

W. H. 1797 (2+1)

The Black Non-Conformist ,

DISCOVER'D IN

More Naked Truth:

Proving, That 26/63
EXCOMMUNICATION, }
CONFIRMATION, } the two Great Episcopal Appurtenances,
& DIOCESAN BISHOPS,

Are not (as now in use) of Divine, but Human MAKE and SHAPE ;
AND,

That not only some LAY-MEN, but all the Keen-cringing CLERGY
ARE

NON-CONFORMISTS

And, Except they Repent ,
Are Liable to be Indicted and Presented by GRAND-
JURIES, to the Loss of their Spiritual Promotions, and Imprisonment
without Bayl, and the Patrons to PRESENT, as if they were Dead, when,
in Defiance of the Acts for Uniformity, They Practise ILLEGAL CEREMONIES.

In Enjoying to be worn, whether Men will or no,
Ministring Divine-Service, The HOOD, (FORSOOTH!)

Or, at any time, except at the Communion, the SURPLICE,

Prov'd to be

SURPLUS, or OVER-PLUS.

In { bowing { to the ALTAR,
 { at the Name, JESUS,
 { to the EAST,
 placing insignificant and idle (UNLIGHTED) CANDLES
 upon the ALTAR,
 not wearing the COPE, at Communion-Times,
 using other Publick Prayers in the Pulpit, than what are in the
 COMMON-PRAYER-BOOK.

Also a LIBEL, and ANSWER (thereunto:)

Fitted to every Man's Case (BE IT WHAT IT WILL) that is Cited to ECCLESIASTICAL
COURTS, whose SHALLOW Foundation is unbared. And a true Table of ECCLESIASTICAL COURT-
FEES, as it was return'd into the STAR-CHAMBER, Anno Domini 1630. by the ECCLESIASTICAL-
FELLOWS themselves; And compar'd with the Statutes.

ALSO,

Concerning { Unlawfulness of GRANTING LICENCES To MARRY,
 the { QUAKERS-MARRIAGES,
 Folly, as well as other evil Consequences of that NEW LAW-
 MAXIM, viz. That no Non-Conformists ought to be Jury-Men.

SHEWING ALSO, That,

RELIGION, RELIGION, that should have been the World's great Blessing, is become the
Plague of Mankind, and the Curse of Christendom, when attended with the BLACK REGIMENT, WRITS,
and LABELS; Citations and Libels; Cures and Suspensions; Silencing and Excommunications; Sell-Souls and
the Devil of Hell; Canonists and Civilians; Superstitions and Popperies; Noddings and Cringings; Illegal, as well
as Deformed-Vestments, and Scare-Crows; Hornings and Stools of Repentance; Fire and Fagor; Bel and the Dra-
gon; the Bloody-Priests, and their Surrogates; Chancellors and Officials; Registers and Gaolers; Benches and Exe-
cutioners; Summers and Promoters; Hangmen and Apparitors.

The Second EDITION.

Dedicated to the ARCHBISHOP OF CANTERBURY, with all Modesty and Submission.

By EDM. HICKERINGILL Rector of the Rectory of ALL-SAINTS in Colchester.

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and most Booksellers in London. M.DC.LXXXII.



To the most Reverend Father in GOD,

VVILLIAM

Lord ARCHBISHOP of CANTERBURY,

Primate and Metropolitan of all

ENGLAND;

And one of His MAJESTIES most Honourable Privy-Counsellors,

His GRACE.

SIR,



IN this Treatise *your Grace* will find somewhat *suitable to you*, in the Case of *Nectarius* (not *Arch-Bishop*, for that name was *not then* invented, but which did *Tatamount*) Patriarch of the Arch-See of *Constantinople*.

Elected thereunto *per saltum*, or, rather vaulting and skipping into the Holy-See or uppermost Seat in the Church, over the heads of all (not only his equals, but by many degrees his) *Superiors*, contrary to the Canon-Law of Holy-Church, himself also being (then) but a Lay man (nay) and unbaptized.

To show us, that it is *not the first time* that the Church has crack't a Commandment to dispense with rigour, and *summum jus*, in favour of great (and *not vulgar*) merit.

For many reasons, therefore, (as well as for this *great and concern'd* example of *Lenity* against the *strict Rules* of Law) does this little Tract in all lowliness expect (as well as flie so high as) your Patronage and Protection.

And *Published*, not so much in mine own behalf (for I need *not your favour*, but impartial and equal Justice) as in the behalf of the many *Dissenters and Nonconformists* to the *strict Rules* of the Act for *Uniformity*.

With which, if you cannot dispense or grant Indulgences, it concerns me as little (or less) *than your self*, or, those *Clergy-men* that are here prov'd to be *Non-Conformists* when they too frequently practise *Illegal Ceremonies*, in defiance of the Acts for Uniformity, that enjoyns those (*few*) Ceremonies in the Common-Prayer-Book, and *no other*, (mark that) no other Ceremonies, which (other Ceremonies are therefore *Illegal Superstitions*, in enjoining the *Surplice*, and yet forbearing the *Cope* (wherein none but *Popish Priests* are *Conformists*, or arayed (that I know of) at this day, and yet the *Cope* is as much commanded as the *Surplice*).

And, besides, in bowing at the Holy Name of *Jesus*, (the impertinence (at least) whereof, I have in all humility undeniably evinc't, in my *Naked-Truth*, the *second Part*, except we also bow at the Holy Name of *God*, and the *Holy-Ghost* (names *equally venerable*) so often as we hear them; or also bow at the Name of *Jesus*, every time a Blasphemer (which is too usual) swears by the Name of *Jesus*; and yet no man dops the head, much less bows the knee thereat, no, not in Sermon-time, when we hear the Minister 100 times in an hour name *Jesus*.

(a)

Or,

The Epistle Dedicatory.

Or, as impertinent as that illegal and idle Superstition or Ceremony (in defiance of the Act of Uniformity) so generally practis'd by *bowing to the Altar*, setting insignificant and unlighted Candles thereon, and *bowing to the East*.

Nay, some have been so *stupidly and ridiculously Superstitious*, as to ruine a handsome Pile and Fabrick, (to their own impoverishment, so far as to need or get the Charity of others) only by rebuilding it worse, to make it *face to the left*, and directly East and West; That so Men might bow to the Altar, and to the East also, with *one single Nod*; Oh! most incomparable Atchievement, and (no doubt) meritorious.

Whereas *Astronomy* tells us (infallibly) that there is no such thing (really) as *East and West*, but meer imaginary Points, and fictitious, (as the Figures of the heavenly *Dog and Bear*) that being *West* to some others; which is *East* to us; and *East* to others; which is *West* to us.

But besides the *Folly*, (so it may well be called) it is hereafter prov'd to be a *sin* against the Act of Uniformity, to bow to the East or Altar; and not only a *Peccadillo*, but so great, as to make us (except we repent, and reform that wicked Error) to forfeit *all our spiritual Promotions*.

The tender Consideration whereof will (I hope) make us *tender against Nonconformists* for our own sakes, (it had been better tho' for *Charities sake*) to take off our keen and fiery edge against Dissenters, and Breakers of some Branch of the Act of Uniformity, lest we pronounce our own Suspension and *Anathema*, with the same mouth, and for the same Cause for which we censure and sentence others.

I have here (*modestly I hope*) search'd into the Nature, and try'd the *mettal and mettle* of your great and *onely Weapon* in your *Arch-Court, or Court of Arches*, (but always under *Correction*, and with submission to better Judgments and the *Laws*) *Excommunication*:

So often let *flie* in your Name, in that Court, though you seldom or never come there to hear the Merit of the Cause, and the Witnesses *viva voce*, and face to face; no wonder then if you make many *Random-shots*, and wide and *beside the mark*; if you trust with *implicite Faith* in and to Registers, Notaries and Advocates (*those spiritual Hucksters of Souls*) that live by Fees from sinners, whose *Purses they take upon the Highway* to Heaven or Hell; and no Repentance will serve the turn, except those motley, Ecclesiastical-Lay Merchants for Souls be first *pleas'd*, that is, *paid* their Demands, ungodly, illegal Demands, upon sight; at our utmost peril.

'Tis a pretty Trade indeed, invented by the Pope and the Devil; delivering to Satan by *Excommunication*, and delivering from Satan by *Absolution*, but not without money in the Case. Thus precious Souls, for whom Christ dyed, are *truck't for*, bought and sold, by these Ecclesiastical Merchant-Adventurers; a gainful Trade it is too, if the *Naked-Truth* do not spoil the Market, (which is more than probable.)

And if you would imitate our blessed Saviour, (how well would so Gospel a work become you to your Eternal Honour in this and succeeding Ages, namely) to *whip these Buyers and Sellers of Souls* out of the Temple, though you can make a Whip (as he did) but of *small Cords*, to lash and lash out these Silver-Smiths of *Diana*, that coin Heaven and Hell, by that abominable craft getting their wealth, making merchandize of Souls, *to their own*, as well as *others* destruction.

Away with this Foppery out of the Church, and *Spiritual Wick'dness in High places*; I hate the *Folly* thereof, (discern'd now by every Peasant, and derided) as much as the *Hypocrisie* of it: which you, in *sober sadness*, must confess and lament as much as (*nay, more than*) others, sitting so high at the Helm, God guide your hand.

I hope you will not draw your spiritual weapons upon me (tho') for this Honesty and Plain-dealing, instead of flashing the said Chequer-work black and white, *motley-colour'd Hucksters of Souls*, and so disparage the Title---*Vestra Clementia*---usually given to your Predecessors;

The Epistle Dedicatory.

If you do, and I over-live you, do not speak to me to write your Epitaph to Posterity.

And be not angry that I *claim Kindred*, spiritual Kindred and Alliance with you, a Man so much above me, but *of the same Order and Function*.

There are none but bloated, big-swollen and imboss'd *Upstarts*, that are asham'd of their Kindred and Relations, because they are poor and low in the world.

And 'tis below me to tell you how equal and alike we were, when we were both *Fellows of Colledges together*, (in the days of *Oliver*) in the University of Cambridge: yet I never took the Covenant, or any (State-Oath) in my life, except that of Allegiance and Supremacy.

Therefore for the *Sameness of our Function*, and your own Coat, do not sit unconcern'd, and patiently look on, whilst the *men of Doctors-Commons* seem to make you a Property and a Colour, by your great Name and Authority, to abuse me, (as they have done) and so crush me by Proxy, in your Court of Arches, *This should not be amongst Brethren*.

I grant, you are Rich and I am Poor, *What then?* Do not take part with my great Adversary the Bishop of London, (whom I never offended but by telling Truth) because he is rich, great and powerful; but (as the Wiseman counsels you, *Prov. 22. 22.*) *Rob not the poor, because he is poor: neither oppress the afflicted in the gate.*

But *open thy mouth*, (*Prov. 31. 9.*) *judge righteously, and plead the cause of the poor and needy*; and (God-like) *deliver the poor from him that is too strong for him; the poor and needy from him that spoileth him*, *Psal. 35. 10.*

The wicked in the pride of his heart (Psal. 10. 2, 9, 11.) doth persecute the poor; let them be taken in the devices that they have imagined: his mouth is full of cursing, (Anathematizing) and deceit and fraud, under his tongue is mischief and vanity; he lieth in wait to catch the poor, he doth man-catch the poor, when he draweth him into his net. He hath said in his heart; God hath forgotten, he hideth his face, he will never see it.

The Church-doors in Popish Countries, and also the Chappel-doors in Monasteries, stand open *all the day long*, to let in, to the Altar, all those that commit Murder (of which (there are more than a good many) make a Trade, and their *only* Livelihood and Vocation.)

But to see (as I have seen) what rejoycing there was by the Parish-Priests, or the Monasteries, (whose luck hapned to be best, and nearest to the place where the Murder was committed) how they would *Joy, Huzzah, and Hallow*, (as) at a Prize---*A Prize---*

For if the Murderer have got 20 Doubloones (the common price for a Murder) the Altar-keepers will be sure to make him divide, share and go *Snips*; And then---*The Proudest He in Portugal, or Spain, or Italy*, dare not touch the Murderer for three days together (the time allowed for his Escape) no, not the King himself can fetch him from Holy Church; for he also is afraid of the Inquisition-men.

But *what Conscience is there*, that a poor Whore should be excluded the Church and Sacraments, and yet the Church-doors open, and the Altar ready to receive a *Barabbas*, a Robber and a Murderer? A meer *gore-blood Religion* sure, that a man must part with his Humanity, before he can be profelyted or perverted thereto!---

Indeed, the *Tolerated* and Publick *Stems*, makes the Whores and the unmarried Priests some amends, but they cannot play the Whore and Rogue there neither. (tho') by Authority, 'till they get a *Licence*, which must be paid for too, I know it.

And can we think, but that it is a *hard world for some sinners* to be excluded the Church and Sacraments, by greater Villains than themselves? And does not all the world know, that not only *gray hairs*, five or six Caps more than needs, *Rheums, Coughs*, and distempers of Body, but diseases of Soul too, by the *Simony of Flattery*, and looking (through the fingers) at sin, are the best lists to Preferment, and helps to Government, Ecclesiastical or Spiritual Jurisdiction of the Holy-Chair (at Rome.)

The Epistle Dedicatory.

Whither the *Arch-Priest* is no sooner crept by those old *Serpentine* and *Pimping Arts*, but he writes himself (by strange contradiction) *the Prince of the Apostles*, (who, *Good Men!* never had a Prince amongst them) but also he styles himself---*Arch-slave*---also, or *Slave of Slaves*, *Servant of Servants*: And (there) he says true; for none but *the vilest* of Slaves will so *unman* (as well as *unchristen* themselves) to *pimp* to other Mens *Lusts*, thereby to gratifie their own Lusts of Avarice and Pride, to which they are first enslav'd. *Arch-slave*, or *Servant of Servants*? *His Holiness* is in the right on't, (I profess) and therein, *Infallible*, whether his Worship considers it or no.

But I wonder not at his Greatness and *Monstrous Ecclesiasticalship*: For when the *Antichristian Clergy* had once made the *Silly-Bigotted World* believe, that they, their *Commissaries*, *Registers* and *Sumners*, were the only *Buyers and Sellers in the Temple*, and, What do you lack? Would Men have *Estates Real or Personal*, in Heaven, for ever; or, in Purgatory, for a *certain term of years* for a less Sum, or be freed from Hell for Ever and Aye? Here's your Men, (quoth the *Popish Priests*) *Chapmen*, What do you lack? What do you buy?

Then, then, and not till then, they got the *whipping-hand* of the superstitious world; for he that has got a *hank* over other Mens Souls and Consciences, their Bodies and Estates (consequently) are, without dispute, at his Service and Devotion.

And when a Priest can make a poor *Lady* believe, that he can damn her; or absolve her, and has the Keys, and something else under his Girdle, and can let her into (or shut her out from) the Church and Sacraments, so that she will but shew him all her Secrets, and unbosome her self in *Auricular Confession*: (Cajol'd thereunto superstitiously, and bug-bear'd by many lying Miracles (in the Legend) of many that dyed, and got as far as Heaven-gates, but were glad to return (a long and weary Journey) to earth again, to be confest by a Priest, before they could be let in, dying unshriv'd or unhous'd) can such a Priest (that has got the Lock and Key of a *Ladies Closet and Secrets*) have far to go before he come at her heart?

And I have therefore wondred, that the jealous *Italians*, *Spaniards* and *Portuguese*. (that will not suffer any man (scarce a Brother) to see their Wives face) should yet permit them to go to *secret and auricular Confession*, to a young, vigorous, unguelt piece of Sanctity! (I had almost said, Hypocrisie!).

I could not but wonder (till now of late) to find--St. *Ambrose*, *Ora pro nobis*, in the *Popish Letany* or *Mass*? For what merit? Oh! *Captain St. Ambrose* was the first *Ecclesiastical-Hector*, or *Spiritual-Bravo*, that in defiance of God and the King, durst as malapartly, as barbarously and insultingly, (some say) *Traiterously* shut the doors of the Church against his Prince and Emperor *Theodosius* the elder, not admitting him to the Sacrament nor Divine Service, 'till the Emperor submitted to the proud insulting Priest, and promis'd (upon his knees) that for the future he would be rul'd; and so, he and the Priest became Friends again.

Well, I see St. *James* (the Author (the *Papists* say of their Liturgy and Mass) though he was none of the *Twelve Apostles*, yet was a Bishop and a Prophet too, if he could so early insert (into the Churches Common-Prayer Book) stout *Captain St. Ambrose*, and make him pray for himself and all *Christen-Souls*, 400 years before he was born.

Oh! the merit of some mens Ecclesiastical Insolence!

But if *Captain Ambrose* was Canoniz'd and Sainted for shutting the Church-doors, and debarring a great Sinner from Divine Service and Sacraments, Will not the men of the same *Leaven* Anathematize me, for opening the Church-doors thus to Sinners, great Sinners, and small Sinners, and shut me out?

But it is better far, to eat with *Publicans and Sinners*, (as our blessed Saviour did) than to partake with *Scribes, Pharisees, and Hypocrites*, to whom he denounced *Wo, Wo, Wo*.

Thus have I known School-Boys (taught in the Church, but better fed than taught) to barr out their Masters (and be Masters of Mis-rule) upon pre-
tence

The Epistle Dedicatory.

tence of Christmas and a Holy-time; and with a Brazen-face make Declamations and Verses in praise of that precious Ecclesiastical Discipline.

But, *if I come*, I'll open the Church Doors again, and spread the Arms of Mercy wide open and outstretched to as great a *Latitude and Comprehension*, (as our Blessed Saviour did) even to Publicans and Sinners; they shall *eat with me*; let the Hypocrites *eat alone*, and (as fittest) *by themselves*, if they will not vouchsafe to eat with Sinners; let them cringe and bow, and face to the Left, *to the Left--to the East--the East*.

Sinners, (look you) Sinners, though they despise Sinners so much, *in nomine Domini*, Sinners are the best Gryft that comes to their Mills: If it were not for Sinners, the Bench (*Ecclesiastical at least*) would not be *so scarlet* as it is; their Holinesses might sit alone, as well as a cold, if it were not for Sinners, and look *as lean as an Easter-Offering*.

Sinners? *quoth a*; Who is this that despises Sinners, which our Blessed Redeemer did not despise? by *God's help*, this little Book shall open the Church-Doors *to let in Sinners*, in spite of the most self-conceited Hypocrite, as far as the Old and New Testament will go; (I say) *ipse dixi*.

What? shall sin walk barefac't, magisterial, in open Court, and unrebuk't? And shall the *Naked-Truth* be glad to hide its Head? *Ha?* shall the wicked Extortioners of *Doctors-Commons* *sin*, and will you make *me suffer*? and be whipt (for their faults) upon their Backs whilst they *hold me up* to you, Sir? *look you, my Lord*, Is there any Conscience in this?

Look you, Sir, *look you*, (I am got into the Modern Rhetorical Phraze *entail'd on some seats of Eloquence*) can it be Justice (look you, my Lord) that I should suffer because they *sin*, and I *only* wish and endeavour their amendment?

Just thus, does the unjust World *abuse the poor Cuckolds*, when (the *Naked-Truth* on't is) the great and only fault is in the *Cuckold-makers*, the Whore and Rogue.

And must he not have a face of Brass (look you) and a conscience of Steel, my Lord, that shall vindicate that domineering (Popishly invented) Prelacy, which the Holy Scriptures, and our Blessed Redeemer condemns, making *all his Disciples Spiritual-Levellers*? Luke 22. Whose Disciples then are the Popish Prelates? that in defiance of Christ, will *domineer over* the Clergy, their Brethren, and vex them with Law-Suits, having great Interest, and great Power, and withal, *Purse-proud*, to defend, in spite of Christ, that Antichristian Lordliness and Clergical Tyranny over their Brethren, calling it as the Pope (*contradictione adjecto*) first call'd it, *Hierarchy*, or the Holy Rule; But how can that be Holy that the Holy Scriptures and the Holy Jesus decries and condemns? and it was first Enacted and made a Law in *England*, when the Pope *did what he list* both with King and People. They had, and *we have* a happy time on't; yet most of these Popish Hierarchical Laws are abolished, and *that was* stoutly attack't, though it still stands, and let it stand: I said, in my *Naked-Truth*, *Rome* (*was not built*, and) cannot be destroyed *in one day*; it crumbles a pace.

If you be for *Discipline* and Spiritual Weapons, rather *Draw upon* the Adulterers and Adulteresses, the Extortioners, impudent Extortioners in your Spiritual-Courts, in Probates, Administrations, Visitations, Ordinations, granting Licences to Preach, Institutions, Inductions, Procurations; and, if *you have power to Anathematize and Curse*, Curse the Curfers and Blasphemers of the unparallel'd Age we live in.

In all the Reign of *Edw. 6.* I find no man taken upon the Writ *de Excommunicato capiendo*, nor 'till the fifth of Queen *Elizabeth*, nor any legal Curfing or Commination save that in the Common-Prayer-Book, denouncing of Gods Anger and Judgments against Sinners, *Cursed is he that smiteth his neighbour secretly*, and *Cursed is he that lyeth with his neighbours wife*, &c. and all the people shall say, *Amen*.

Cursed is he that taketh a reward to slay an innocent person, Deut. 27. 25. (that is) in plain *English*---*Cursed is the Suborner*, that promises or threatens a Reward, or Advancement (for there are two sorts of Advancements, or Rewards belike, the Learned say) and *Cursed is the Suborned*, namely, *Cursed is the Man-*

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catcher, and his Mate, or—Comrogue; those two Judasses that give or take a Reward to slay an innocent person: and all the people shall say, Amen.

Nay, if men be for Cursing, they may have their belly full, in Curses that are not *money-matters*, nor *causeless*, and therefore shall come to pass.

For though the Curse causeless shall not come, *Prov. 26. 2. Tet the Curse of the Lord is in the house of the wicked, Prov. 3. 33.*

Indeed, *the Rubrick* does bewail that we have not the godly Discipline of the Primitive-Church, where Sinners were punish't in this World (by delivering to Satan) for never any man in the New Testament escap't death when the Apostles had deliver'd them over, for the *destruction of the flesh* (that must be death) that the *spirit might be saved* in the day of the Lord Jesus.

No, alas, alas! we cannot kill men with a word, as did St. Peter and St. Paul, upon great and terrible occasions to make an example of notorious Sinners.

The Pope therefore made the *silly Bigot-Magistrate* do, (what the Devil us'd to do in the Apostles times) in killing and burning Hereticks, and entituling the Magistrate to the *blood and odium*, as well as to the *honour* of being the *surrogate* of the Priests *Revenge*; the Magistrate had a happy employment on't; but he durst do no other, lest upon his contempt of Canons of Holy-Church, *Holy-Church* had serv'd him with the same sawce.

In my Travels, in Popish Countries, as *Portugal, Spain, &c.* (whose *Laws-municipal* are the Canon-Laws and Civil-Law) I have observ'd, that in the grand business of the Inquisition, and Excommunication, the Lay-Doctors, the Civilians *do the business*, but always under the Name and Authority of some Bishop or Bishops.

Who, well knowing *the way to the Wood*, and that to be led *gently by the nose* by those Lay-Doctors, is the *shortest cut* to Preferment, and to be an easie Soul, or a tame Property, is a meritorious qualification in a Candidate for the Holy See; it would make a man smile (if it were lawful to *smile on so sad* an occasion) to see an *old Nidget* put on his Spectacles to write his Name *under the Sentence* for burning a Heretick, which the Lay-Chancellors, and Officials bring to him ready for his *Wisdom's Subscription*; though (poor old heart!) he knew nothing of the matter, nor heard one Witness *viva voce* in the Cause.

Nay, they would be very angry, if he makes the least scruple or hesitation, or enquiry; *What?* not trust his Delegates? his Lay-Vicars? not trust publick Notaries and Proctors? Advocates and Surrogates? that would not be guilty of an Extortion or Wrong (Ple warrant) for any thing in the World, *except money.*

And truly (*my Lord*) you could not have troubled me worse than you did the last Term, by the answer you gave me to my Letter, sent by a Gentleman my Solicitor, saying, You knew nothing of the matter, *nothing of my cause*, or the merit of it, for that you left all to your *Under-Officers.*

Your under Officers? Why? they are the sort of men of *Doctors-Commons*, that hitherto have seem'd to Cite me, upon pretended Articles of Barretry (of which neither you nor they are competent Judges; but you run the hazard (*all of you*) of a *Premunire*, if you take upon you to hale matters into your Courts that belong only to the Jurisdiction of the Courts of *our Lord the King*) as if they design'd only under colour of a Process, to get me in amongst them to affront, abuse me, squeeze and crush me; they have done their utmost.

And, *do what you will*, I will never again appear at *Doctors-Commons* in your Court, except you will secure me from affronts, and keep the Peace, that you will be personally present there, and hear my defence, and be an *ear-witness*, as well as a Judge, how I'll baffle them all.

Leave me to your Under-Officers? Are you in Earnest? have a care your under Officers, in meditating their Revenge on me, hit not you home, by bringing you within the Statutes of *Provisors*, and *Premunire*; if you with implicate faith trust to them, they are in a fair way to't. But no Subject, how high so ever, is too great for the *Law, and Truth*: they must, they must, (read all Chronicles,) they *always did* buckle, and submit their sturdy necks to the *Law*, or the Block.

Leave

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Leave me to your Under-Officers? Do you say so still? God defend: No, Sir, no, leave me not in the hands of mine Enemies, and give me not over to the will of mine Enemies, that hate me without a cause, without good cause, and only for telling truth of their vile Extortions, and viler Merchandize of precious Souls.

Leave me to your Under-Officers? nay, then I am well help't up; I am like to have a hopeful time on't: Why? these men of *Doctors-Commons*, as you'll see hereafter in *this little Book*, they are flesh't upon me already, upon my Soul, and upon my Purse too; Leave me to them? and they'll bring you a Sentence for you to suspend me, stop my mouth, silence me, or, perhaps Excommunicate me; but throw away your Pen when you come to subscribe it: let me advise you for once, trust them not with a power *Legantine*; what care they what inconvenience they bring upon you or the Church? they shoot securely under the covert of your great Name and Authority, whilst your *Delegates* do indeed by such Proxy Sentence but make you a *Surrogate* of their private spleen, malice and revenge; you cannot have a worse employment.

I know, my Lord, that you and many others that *do not know me*, will wonder both at *what* I have written, and *that* I (durst) write what follows; but 'tis because they *do not know me*, for those that do, will wonder at neither. Common-talk or *fame* is seldom a good *Limner*, or Pourtrays any man true; besides, it is so various too, (*now*) as of old, some said he was a *good man*, others said, nay, but he deceiveth the people.

My own Cause in your Court (you'll see) needs *not ten Lines* to answer all; no; but I take willingly the occasion here given to search into your mysteries; for, how can I, or any honest *English-man* or Christian, sit unconcern'd, when we view such *havock made of Christian Souls*? bought and sold, sent to Satan, and thence redeem'd, but not without Money, Money.

Eye upon't, Eye upon't, 'tis a burning shame it should be suffered; 'tis against Conscience, Reason, Law, Equity and Religion. And shall these fellows {bold and old in sin} be cherish't, and I accounted too bold to tell them of their wickedness? And shall they have more of your countenance than I? *do your pleasure*. But you ought not to judge *inaudita*, and hearing but of one ear, reserve but one for me, unstufft with prejudice, and if you had never so lawful a Court, I neither need nor require a greater or *other favour* from you, whilst I live: But to leave me to them? *you shall not leave me to them*; I'll wash my hands of them, God bless me from them: I tell you here, *I'll not come at them*.

And I would have told you so at *Lambeth*, but I dare not come *there neither*, without your Order and Permission; and when I writ to you, and the Gentleman (I sent) ask't you, If you would have me to attend you? you said, No, you left *all to your under Officers*; so that I have no other way but this publick way to approach your hand or ear: which is, I hope, a sufficient Apology for this *Humble Address*, of which I trust you will not be an *Abhorrer*.

'Tis true, these *Uncivil-Civilians* that make Markets of Souls, do but (*I know*) truckle under the Clergy for a Livelihood; yet they are as petulant to the Clergy, as if they were only their Sport or *May-game*, or poor tame Asses, fit for nothing so much, as to be the *Objects* of their Wrath, and the *Subjects* of their Affronts and Scorn.

Thus have I known wanton Jades kick the Hand that fed them, and made them fat, nay, and throw their Masters too, when *Provant prick't them*.

I Prophecie (tho') that I have taken off the *keen edge* of their onely *Toole*, these Ecclesiastical Fellows *work* (for money) *with*, viz. Excommunication, with a poor Formality-Priest standing Surrogating in black, like---at their right hand, to see Livery and Seizin given of the Excommunicate Person that is delivered to Satan, they shall fight hereafter, but *with rebated Weapons*, they are so cruel in their Fulminations, and for such Trifles too.

That ever a Kingdom of Christians should be *so long bewitch'd to believe*, that any can damn them, or forgive sins, *save God onely*; or, that any man has power on earth given him from God, to keep others *from* the Ordinances, the means of

The Epistle Dedicatory.

Grace, the Sacraments, the Food of Souls, and the Bread of Life, *because they are Sinners; Sinners?* Why there should need no Ordinances, nor Sacraments, if it were not for Sinners; nor did ever any man receive the blessed Sacrament, but *Sinners all*, except our Saviour onely.

The Soul is sick, 'tis granted, more need of Physick and Food: *The whole have no need of a Physician.*

Nay, the first that ever partook of the Blessed Supper, if they were *Penitents*, they were soon *relaps't*: For in *Luke 22.* in the 20th *Verse*, they took it, and in the 24th *Verse*, they were no sooner come out from the Holy Feast, but they fell a quarrelling and justling for the place, and striving (*it runs in the kind perhaps*) which of them should be the greatest.

But the crafty Popish Priests finding that Sinners found the goodness and sweetness of the Blessed Sacrament, and long'd for it, and they were the onely Stewards of those Mysteries, they resolv'd to make the best benefit of the Stewards place.

And indeed I have observ'd, in some Countries, where I have been, that when (once) the Clergy have perceiv'd that their Office was found so mighty necessary, they resolve to take the occasion, and make their best advantage of it.

Did the People find comfort in the Bread of Life, and also were made to believe that none could Consecrate it but a Priest, or Popish Priest: Ay, (quoth the Popish Priest) *Sinner, Do you see?* Do you see here what I have got in my hands? Would you not be glad to have some? Nay, *Hold---Stand off---* Here is the Bread of Life, but *not a Bit upon a march*, not a Bit upon the great march and High-way to Heaven, though it would *save your Soul*, except you be obedient to your Diocesan, nay, and swear Obedience to Canons and Laws of Holy Church, though you starve and dye for a Bit.

He therefore that can make a Sacrament, and debarr (*ad libitum*) sinners from it, may well take the wall of all other Men in *Christendom*.

But there is no Scripture in the Old or New Testament (that ever I found) that ever gave power to any Man, Men, or Church, to debar any Man from the Sacraments, that is pleas'd to come to them; for such as were deliver'd to Satan in the Apostles days, were *therewith kill'd*, their Flesh was destroyed.

'Tis true, an impenitent Sinner *he comes at his own peril*, if he venture to eat unworthily; but 'tis not a greater sin to eat unworthily, than *not to eat at all*; rejecting of the Ordinance is certain damnation, whereas he that eats unworthily, makes a hopeful Assay of Obedience to Christ; and as he said, *Lord, I believe, help my Unbelief*; so it is acceptable worthiness, to say, *Lord, I endeavor to eat and drink worthily, help my unworthiness.*

And as he that eats and drinks unworthily, eats and drinks his own damnation; so he that prays, preaches, or hears unworthily, preaches, hears and prays damnation to himself.

Nor, need I tell you my Lord, that the world is generally mistaken in the meaning of the word *ἀναξίως*, unworthily, better Translated *unbecomingly*, or unsuitably (namely) *to the Institution*; as when Men make the Sacrament of Christ, or take the Sacrament of Christ, for no other Cause than a *Test*, or *State-Sacrament* only, making it the Sacrament of a Corporation, or, of Preferment only to get into a Ship, or a Fort, or on the Bench.

And this Construction of the word *ἀξίως*, we have in *Ephes. 4. 1. Col. 1. 10. Phil. 1. 27. 1 Thess. 2. 12. Rom. 16. 2. ἀξίως τῶν ἀγίων*, as becometh Saints, for there is none but Papists that plead the merit of *Condignity*, or, that any man is worthy of God, or *worthy the Gospel*, otherwise than as endeavouring to walk becomingly and suitably thereto.

And to back this Interpretation, I have the great *Le Groot*, or *Grotius* on my side, a Name that *with me* out-weighs all the Popish Priests put together.

We are all Sinners, and the Sacrament's made on purpose for us, and none but those that have the gift of God of *discerning of spirits* infallibly by the Holy Ghost (as the Primitive Christians had) can judge of the truth of any mans *Repentance*, or consequently fetch power from the Scriptures to debar men from the holy Ordinances, or shut the Church-doors against them.

The Epistle Dedicatory.

I know, *Priests have made a gainful Trade on't*, but, abating that, By what *Authority Divine* do they these things, and who gave them that Authority, (I always except the Rubrick in the Common-Prayer Book?)

Sacramenta non sunt Venalia, Sacraments are too holy to be made *Vendible Commodities*; And if my Child shall not be baptiz'd, 'till I have compounded with the Priest, whose Religion is---No Penny, No Pater-noster; Nor if I must not come into the Church, but *be barr'd out*, 'till I have *pleas'd*, that is, paid the Sumner, the Register, the Proctor, and the Court-Fees, *Good Lord deliver us*.

I know many People think 'tis a *hard world* since the Inquisition and High-Commission-Court were dissolved, now that *Curst Cows have short Horns*; yet let them comfort themselves with Excommunication, and the Writ *de Excommunicato Capiendo*; for though the Writ *de Heretico comburendo* be burnt, and we cannot burn an Heretick for our Lives, yet the Writ *de Excommunicato Capiendo* shall imprison the Heretick, and *bury him alive* in a Jayl, and *what would men have*? Methinks that should content them, *Enough, Enough in all Conscience*, a man would think, if they have any Conscience in them. What would they be at? *Do they know*? Do they not know when *they are well*? *Will nothing serve*---But Hang the Rogue, burn the Heretick, or crop the Roundhead in a Pillory?

Time was---*Ay, Ay, Time was*, when a bold Fellow that durst speak the *Naked-Truth*, or, tell Rich men of their Roguery, he had as good have eat *his Ears* in the merry days of the Inquisition and High-Commission, But who can help the thing that will away?

Truly, *my Lord*, I daily expect the Effects of the Fury and Rage of the Devil, and devilish men, that rage so much the more, as foreseeing *their time is short*.

But (blessed be God) my shoulders are as big and large (*of the largest size*) as the most of Mortals, and can bear as much; I doubt not but they'll try my strength: A whole Legion of *Sell-Souls* will fall upon me for this little Book, better make one Back crack, than not load the Wretch that takes away the Trade of the *Higlers and Retailers* of Heaven and Hell, by which they have liv'd so long and so plentifully.

But---*I believe in God*---not without some *Faith and Hope* (sure I have some grounds for it) in your Grace and Clemency: And for all your sayings, that yet you will alter your word, and not leave me to your Under-Officers; Alas! I am in their Clutches already, they have begun to squeeze me already, When shall I get out of their hands, *can you tell me*?

How well will it become your Lordship, to *heal the Breaches*, and not *stretch* the Wounds wider, they gape, and are *ghastly* enough already, and all that I have *hitherto writ* (I told them so before but they would not believe) is but an *Earnest-penny* of what I have at their service; And, to *serve you and the Church*, I have much more in my head and heart.

I am *scarce yet warm* in my work (*extorted from me too*) and I do but *play a little about the skirts* of the business, though some, perhaps, could wish me *warm in Smithfield* (their Christian requital for my great pains) if they might have leave to carry me and the Fagots thither.

But those days are not (yet) come. To confute the *Naked-Truth* with the Arguments of *Bloody Bonner*, a Bone-fire or a Jayl, a Dungeon and a Pillory.

Here's enough, in all Reason, for a Letter, writ *Raptem* and in Haste; I dare say, your Grace never had such another Letter (*for length*) in your life.

And take it not in *dudgeon*, that in memory of our mutual and spiritual Alliance, I make bold to subscribe my self,

MY LORD,

Your most loving Brother,

Most obedient Son,

And most humble Servant,

(c)

Edm: Hickeringill.

COLCHESTER,

Decemb. 4. 1631.

POSTSCRIPT.

TH E said Bishop St. *Ambrose* was not asham'd of his spiritual Kindred, to his Floek—*Vos mihi estis Parentes, qui Sacerdotium tulistis, vos, inquam, filii vel parentes, filii singuli, universi Parentes.* *Ambrose*, Tom. 3. p. 89. in Luk. 18.

No, no, Bishop *Ambrose* was not asham'd of his poor Kinsmen and Relations spiritual, as high and stout as he was; and scorn'd to Try them, Judge them, much less Curse them, Silence them, Stop their Mouths, and Excommunicate them by *Proxy*, or by his *Under-Officers*.

And yet he was a great Ecclesiastical Judge, as well as your Lordship; not a Judge at or of Common-Law, Statute-Law, the Municipal-Law, but a Judge by and according to *Canon-Law*.

Canon-Law? Ay, if any Body can or does Judge by it this day: *Canon-Law*, *Canon-Law*, four or five great Folio's of it, too bulky to get well into any man's head, that is already stufft full of Divinity.

Canon-Law? 'Tis as easie to make a Rope of Sand, as to make the *Canon-Law* agree with its self: one Canon and one Council does so thwart and thwack one another.

Canon-Law, in which whosoever is vers't, shall find enough to fit almost any purpose; Had we not as good keep to the *Canon of Holy Scripture*? as to be led (to Sentence) by *Proxy*, and *Lay-Doctors* of *Canon-Law*, even just as they shall nuzzle things into our heads.

But give me leave to mind you of one *Canon-Law* more, most agreeable to our English Laws: Concil. Carthag. 4. Can. 22, 23, 29, 30, 32. *Episcopus si Clerico vel Laico crimen imposuerit, deducatur ad probationem in Synodum*; & Can. 30. *Caveant Judices Ecclesie ne absente eo cujus causa ventilatur, sententiam proferant, quia irrita erit, imo et causam in Synodo pro facto dabunt.*

Let the Ecclesiastical Judges have a care and look to that they pronounce no Sentence in the absence of the Party accus'd, nor without consent of a Synod of Presbyters; if otherwise, it shall be null and void, &c.

And most reasonable such (*Presbyters too*) as are of the Neighborhood; for shall not our Temporal Estates, Free-holds, or Monies, no, not in Trifles be given away from us without a *Jury* of the Neighborhood; And shall our everlasting Souls, and the liberty of our Bodies be given away by *Proxy*, and a blind implicit Faith in the *Certificavit* or *Significavit* of a single, malicious, peevish, interested, and revengeful Sell-Soul, Surrogate, Official, or Register? King *Balak* himself could not with all his Gifts persuade the wicked and mercenary Prophet *Balaam* to curse whom God had not cursed; but, in spite of his teeth, he was glad to say, *How can I curse, whom the Lord hath not cursed?* Yet he loved Curling and Mischief in his heart, and accordingly gave King *Balak* most wicked counsel, which ended in mischievous Events on all sides.

No Judge, that has any thing of a Man in him, can pass Sentence of Death upon a *Malefactor*, (that deserves it) without some yernings of the Bowels of Humane Compassion to Humane Kind.

And shall a keen-spiritual Judge make no more of it, than to be yare and brisk, and ready prest and bent to anathematize, excommunicate, silence, suspend and curse to eternal death, the Souls of poor Christians for every Trifle, to the Pit of Hell, and his Body to the Jail: Is this Christianity? Is this Religion? Learn we this of our Saviour? God forbid. God forbid, that Protestant-Bishops should be like the Bishops *Luther* speaks of (for this cause) To. 2. p. 310. *Adversus falsum nominatum ordinem Episcop.* *Perinde, &c.* It is with these wicked Bishops all one, as if the Devil himself should sit Mitred in the Chair, and Rule the People.

The Introduction.



SOME that have thought my Pen already too sharp and smart (those especially that have been gall'd, (*fore men where the skin's off*) and have (therefore) long lay'n at catch for somewhat whereby they might accuse me) will now (*good men!*) upon the reading of this Title-Page, Hug themselves for joy to see me again treat (*at this time of day too*) upon such touchy Subjects and Discourte, that a man had need have the dexterity to split a hair, that shall handle them pertinently, usefully, and yet safely and warily.

Besides, a Coxcomb knows not how to write of such deep and high, dark and mysterious points of Divinity, Law and Policy; and none but a Coxcomb (*say others*) will speak Truth in this lying, cogging, fawning, dissembling, perfidious and treacherous Age.

So that if I discuss these Arguments never so well and warily, yet if I speak out, plain and home (there's Piety in't indeed, but) where's the Wisdom and the Policy of it? says Sir Politick Would-be.

And, therefore, as for the Naked-Truth-men, tear them, rend them, fleece them, shear them, hire Thompson and the Be-Jesuited Heraclitus to Libel them, bely and slander them all the Kingdom over, hire some Welsh-Taffee, of a Hackney-Tongue and Prostituted Conscience, with broad staring eyes brim-full of Pride, Self-conceit and Fury, in all Companies, on all Occasions to bespatter them, Trepan them, Teague them, Taffee them, and Man-catch them; nay, (if they cannot be Godfrey'd nor Arnold'd, yet) if you can hang them out of the way, What should they do living here? Make an Example of such fellows as have so little wit as to speak plain Truths in an Age of Hypocrisie. Did you never see a Crow or Maggotpepe sit pecking, and cawing, crowing and chattering upon an Ass's back, or a Swines back? Why? these tame creatures are born for affronts: However, if they be rich, use all Arts and Stratagems (*imaginable*) to beggar them, that, Truth (if it will live and walk) may yet walk only the length of a Jayl, and in a Threadbare-Coat.

Which puts me in mind of that Jeering, Leering old Doggerel Rhithmer that said (of old)

Curia Romana non capiat ovem sine lana.

The Roman-Wolf is no such fool
To worry Sheep that have no Wooll.

The Introduction.

Some have (*antiently*) render'd it in *English* thus :

*The Court of Rome does think it brave
To Man-catch such as Money have.*

If any man think my style too Jocular and Airy for the gravity of a Divine, and so grave a Subject; let such busie Censurers use their own *Lumpish Dumpish* grave way, and lull themselves and their Readers *asleep*, and so get applause beyond the fame of *Opium*: whilst this facetious (I was going to say this *Erasmus his*) way of writing, catches the Reader gently, and insensibly, making him a *Captive Volunteer*, and (once entred) he knows not how to desist, though call'd away by business, hunger or sleep. What has any man to do with my way of writing? I do as little care (as I have little cause to hope) for a *Plaudite*: let *Fame-catchers* mind their stops, their cadences and their periods, I hate Affectation as much as I do Hypocrisie or the Vulgar: Ple follow my own humor, my *Genius* and *Inclination*, that which is most *natural*, is most to the life; and I had rather please my self than any man alive; let Knaves and Slaves, and Pimps and Sycophants cringe and skrew their faces after the fashion, the *French* mode, or after the fashion of others, and Pimp for Preferment, I need none; I am a plain free *English-man* that love my Country, and my Countries welfare, beyond their applause (I had almost said) or mine own repose, and so (God willing) I'll live and die. Yet not to vapour too much of my *Publick Spirit*, I must confess (*the Naked Truth* on't) that if the publick-weal be gratified by any thing here writ, not I (but the men of *Doctors-Commons*) merit the thanks.

For I am (by my temper, complexion, choice and inclination) of a retir'd *Genius*, I hate the crowd, a noise, a stage, or to be pointed at, or to appear in publick (but especially) in Print: though (thank my fate) it falls out otherwise of late, and contrary to my beloved *obscurity*.

Yet this I can truly say (in my just Apology) that I never appear'd in Print of late years, but as I was *hail'd*, *hurried* and *irritated* by men that never yet medled with me but to their hurt.

But malice (like Murder and Gunpowder) will *break out*; (as it did on this occasion) which forc'd me in my own defence thus to take the length of their *Sword*, (I mean) their weapon, their *only and none-such* weapon, *Excommunication*.

Which might have slept (for me) in the peaceful Scabbard, but that four or five *Lay-Elders*, four *Lay-Doctors* of the *Canon-Law*, and a *Lay-Register*, drew it upon me (a *Divine*) the last week; Bless me ! (thought I) here's courage with a witness, for *Lay-men* to attack a *Spiritual* person, and at his own *Spiritual-weapon* too (*Excommunication* .)

The Introduction.

And all this *Delivery* to Satan without the least fair Warning to bid me stand to my Arms, shift for my self, and stand upon my Guard against the foul Fiend.

The best on't was, I was not so soon Thunderstrook with Excommunication for a *Nonne-no*, but I was sooner Absolv'd, namely, within half an hour (and less) after I first heard of it, but not without delivering my Purse; for the delivering to Satan by Excommunication, together with the delivery from Satan by Absolution in Doctors-Commons, cost me a Guiney (not to dissemble the matter) neither more nor less; I believe I shall love a Guiney for this trick (if it be but for this vertue inherent in it) the better as long as I live.

Old Poets tell a Tale of *Charon* the Ferry-man of Hell, that wafts men thither over the dismal River *Styx*, but he makes them pay *Ferriage*, a *Nautum*, in Scotch money *Six pennies*, or a *Baabee*, in English two farthings for freight; but what they paid for being Sculler'd back again, is not in the *Book of Rates*, (I suppose) because 'tis needless, for *Charon's-boat* is always empty of Passengers back again. They tell a tale of no man that ever return'd from Hell, except one Bag-piper, called *Orpheus*: and all may be but Fiction.

But I tell you a real Truth, and that every man knows to be true, the Trade is currant and settled long ago (first) by the Pope betwixt himself and the Devil, and a brisk Trade (there has been) between the Devil and him, though of late somewhat decay'd; and the price of Souls to the Devil, and Hell and back again, is much lower'd of late days (though three hundred times better, and more advanced than what it was in *Charon's* time; for the Pope (I say really and truly without a Fiction, I know it to my cost to be true) made himself the real Ferry-man of Hell, and though he did not carry Souls thither always himself, as did his Predecessor *Charon*, yet he sent them thither by his Emissaries, for nothing; but never suffered any man to be delivered from Satan, or absolv'd, but he made him then pay for his Journey thither by Excommunication, before ever he would suffer them to return by Absolution: and as bad as trading goes (for the Naked Truth has almost quite spoil'd it; yet) it is to this day absolutely the (best Trade) (I was going to say, (but that's a lie) but it is still the) most gainful Trade in Europe; for you run no hazard, but of the first wastage to Satan, and even then also, if ever they be suffered to return, they pay sauce, they pay for all at last; besides, a man runs no great hazard in stock, for a small stock will let a man up, a little Wax and Paper, and Pen and Ink, (except the place might cost somewhat at the entrance and admittance for a *Garfome* or *Fine*, but however) the Trade begins to brisk up again, and sometimes they shall make you, of one particular Soul, (especially if it be a Churchwarden's Soul) ten or twenty wastages; and for every wastage seven or eight pound, if it be a wealthy and rich Soul, and long upon the Road or Voyage, for they go both by Land and Water; and of a poor Soul, and quick pas-

A 2

sage,

The Introduction.

sage, perhaps not above ten Groats, (or such a matter (I am sure) I am within a shilling under or over, if it be a poor Churchwardens Soul) and sometimes thirteen shillings and four pence, and sometimes (I may well say) a Guiney.

Well ! 'tis no laughing matter, (Gentlemen) *Proximus ardet*, it may be your own turns in good time ; there's no body has cause to laugh that I know but the Pope, and such as he first constituted Sumners, Apparitors, Surrogates, &c. they indeed may well laugh, they win.

There are two Books of *Naked-Truth* (I ought to tell the Reader) the third Part, and fourth Part, that are father'd upon me, but they are *spurious*, and *unlike me* or my style ; which is *uniform* (at worst) and some say so *singular*, that I need not put my name thereunto, 'tis *self-evident*, I never writ more *Naked-Truths* than *This*, and the *Second Part of Naked-Truth* ; and the *Vindication* thereof against *Fullwood*.

Nor had I writ *this* but upon the said occasion, nor troubled my self or the World with my Notions, if I had not been troubled in their *Spiritual-Courts* ; for I love my *retiredness*, having been cloy'd with the *Flourish* and *Grandeur* of the World before I chose to settle my self in an *obscure* and *dormant Function*, in being a Priest : In which silence I had for ever (as my desire was) lain hid, but Providence will have it otherwise.

Yet, after two or three experiments, I think men are mad, *possess* or *bewitch'd*, to trouble me, or trouble themselves with me, incessantly to instigate and provoke a man that *studies to be quiet* ; if the Devil did not owe them a shame.

The Reader cannot reasonably expect that accuracy of method, or spruce style in so hasty a Birth, Conceiv'd and Digested long ago, but writ every word in that *Weeks stay* I made at *London* in the throng of other businesses ; and far from my Study, my Notes and my Books.

But he that will please to read *St. Augustine* in his 16th Sermon upon Gods Word in *St. Matthew* ; and in his first Book of the *Lord's Sermon on the Mount* ; and *Athanasius*, *Chrysostome* and *Theophylact*, and they will find that my Comment here, upon *Matt. 18. 17.* is not *Heterodox*, nor *Singular*.

I have but one thing more to beg of the Courteous Reader, viz. his Pardon for several escapes, lapses and tautologies, not to be avoided but by writing it over again : But I have no leisure, and less disposition to give it a second draught.

Let it go, rough as it runs, blunt and unbewn, 'tis natural, and mine own.

But neither I, nor the Reader, will repent our cost and pains if this do but help to blunt that keen and fiery edge of *Excommunication*, that has set all Societies in Christendom together by the ears, and has been the great (if not only) bane of *Charity*, (the sole Test and Truth of any Religion.)

The Introduction.

The two most Learned Pen's—Sir Thomas Moor and Erasmus (Contemporaries and great Cronies together) are both my Warrant and Authority as well as President, for this Jocular way of writing on a weighty subject; which is nauseous, if it be (affected and) not free and natural.

But if it be genuine, it is the most profitable way of writing upon a grave subject, because pleasant.

For the most tough and *sinewy* Arguments are then most effectual, when made pliable to the capacity, and finely fitted to the head; which the said two great names ('tis rare, two in one Age) had got the knack of; nor were any of their time more beloved by some, or more hated by others:

The former hated—even to death. The latter to damnation, or rather Excommunication by the Pope and Fryars; and yet (for his great Learning, pleasant and facetious way of Writing) Canoniz'd by others for a Saint: so that setting one against the other, ('tis fancied that) he is neither in Heaven nor Hell, but *betwixt both*, in a Limbus of his own.

However, the Town of his Nativity, (Rotterdam) (as the seven Islands-Mediterranean contended for the Honour of being the Birth-place of Homer) in eternal memory of his Immortal Name, have set up his Effigies in Brass, in their chief Church, (as I am informed) styling him for their own Honour, as well as his, Erasmus Rotterdamus.

But no man ever (yet) writ so well (since the Christian World (was and is) so divided into factions) as to get every bodies good word, no, not our blessed Jesus himself; some said true of him, as Peter, Thou art Christ the Son of the Living God; and others lyed, and said, Thou art a Samaritan, and hast a Devil.

And it will always be so with the best of men, some shall not love him so well, but others shall hate him as much, either through their Native Virulency, Malignity and ill Humor, or else in envy of his Fame, Learning, Parts or Prosperity, will endeavour to blacken him, and do him mischief.

And these Delinquents (the Fools and the Knaves) are by far the major part of the World, and therefore 'tis reputation enough (and to be sure the most lasting, and the way to be everlasting) if men be but acceptable to the few honest and wise; who shall eternize the memory, for fools bolts are not sooner shot than vanish, and the envy of knaves expires and ceases, and is buried with, and in the Grave of the Worthy.

Besides, Truth is always prevalent and strongest at long run, if it be not smother'd by an Inquisition, or a Jayl, (the Popish methods of old, but) not practicable now, people are generally unhoodwink'd. And yet I deny not but the World (I mean) the vulgar, are not guided by Reason, Truth, or solid Judgment, but by Interest, Fancy, Opinion and Superstition, yet they are glad (always at long run) for their own
sakes,

The Introduction.

sakes, to suffer the few wise men to Guide them and Conduct them through the Labyrinths and Precipieces into which their follies have led them.

But I have chosen (at my own peril) thus publickly to scribble my thoughts, the greatest Ring-worms are best cured with Ink.

Come on, Man-catcher, with both thine eyes, staring and wide-open, in hopes to snatch and catch at somewhat (here) that may (if possible) be wire-drawn and wrested, to make any thing here writ, to seem to Interfere with the Laws of God or Man.

O F

OF EXCOMMUNICATION;

The Only and None-such Weapon of
Ecclesiastical Jurisdiction.

CHAP. I.



THE Thunder of Excommunication (say some) is a sacred piece of Ordinance, (and if duly let off) is the most Terrible and Dreadful of all Claps.

Not to mention the after-claps that attend the Writ de Excommunicato Capiendo.

Crimes against the Common-Law, or Statute-Law, as they are of a different Nature, of different Consequence, and different Dimensions (greater or lesser) have proportionably different Penalties and Punishments.

Some merit a pecuniary Fine, some the Stocks, some the Whipping-Post, some Imprisonment only, and some are Mortal sins, and merit the Ax or the Gallows.

But any the least contempt against the Ecclesiastical Jurisdiction (if it be but for not paying a Groat or two, or any such like least Piccadillo) is punished by the greatest and most dreadful scourge on this side Hell; namely, a Delivery to Satan by Excommunication: And he that is the greatest Debauchee, Libertine, Atheist or Blasphemer, (though I never heard that ever any such was in my time Excommunicated; neither at Rome nor elsewhere) yet he thereby incurs no other Censure, nor with more dismal Consequences, then for the afore said small Peccadillo's are inflicted, viz. Excommunication.

The Consideration whereof put me upon a five-fold Inquiry.

1. Inquiry, Whether Christ or his Apostles ever made such an Ordinance as Excommunication? And whether like to that in use amongst us at this day?
2. Inquiry, Secondly, If they did, who were the Administrators thereof?
3. Inquiry, Thirdly, Against what Offenders and Offences Excommunication was made use of?
4. Inquiry, Fourthly, How Excommunication at this day does agree with the Laws of God, and the Laws of the Land?
5. Inquiry, Fifthly, What good or harm Excommunication has done in the World?

All these require the greatest scrutiny, care, diligence, caution and dexterity, to discuss.

In which work, though there are many, very many of greater abilities, yet none I hope shall handle it with greater modesty, and always with due Reverence, and humility, and submission to the Laws, and my Superiors, whose pardon I humbly beg, if in any thing that follows I happen to transgress my bounds, in any error of my Judgment, there's no error of my Will I am sure.

Besides, I am in my proper sphere, in treating of a point of Divinity, my proper Province and Function; And so necessary, expedient and seasonable in these times, and in this Age, which is (God knows) so full of scandals and offences; and so many millions daily liable to this terrible stroke, if the Laws as they now stand, be (as all Laws ought to be, whilst they continue Laws) put in Execution.

For I am perswaded (and so must every man that has a grain of Charity) that not one Dissenter of a thousand, is wilfully and maliciously so; no man (who is out of Bedlam) will willingly throw himself down a Precipice; no man desires any thing that he judges evil, it is impossible; no, 'tis want of sight and understanding that makes men stumble, hesitate and fall: They walk in the dark, and that's the reason that Scandals and Offences are so many and numerous, and our Divisions so great, that nothing but Illumination can make men walk steadily in the way, the Kings High-way.

Some may well imagin that a man of my little Talent and Endowments cannot publicly hold forth a greater or better Light; or show the way clearer than those many thousands of more improv'd Knowledg and Advantages: And that therefore I do but actum agere, and labour in vain.

However, I'll show my good will and charity, whilst wiser heads sit still.

For what Charity can there be in us whilst (with dry eyes, and unconcern'd) we see so many stumble and fall in the dark, and none lend a light, or a helping hand (if possible) to reduce men into the unity of the Spirit, and the bond of Peace: Let greater Luminaries carry their greater Lights in Dark-Lanthorns, but it is better to set it on a Candlestick, and publicly, that it may give light to all the House.

If I do no other good, than hereby to incite others to clear this dark and mysterious management of Excommunication, it will be some satisfaction; however, I promise my self and the Reader that I shall not wittingly nor willingly express any thing contrary to the Law of God, and the Establish'd Law of the Land.

CHAP. II.

This being Premised, I will begin with the first Query.

Query 1. *Whether Christ or his Apostles ever made such an Ordinance as Excommunication? And whether like to that in use at this day?*

I answer, First, None can imagin that our Blessed Saviour, the Prince of Peace, the Restorer of breaches, that was meekness and lowliness it self, should give many eager or frequent commands to extirpate or dismember any of his Body; for he came to seek and to save that which was lost.

And therefore we meet but with one place in all the Gospel that gives any colour to Excommunication; namely, *Matt. 18. 17, 18.*

But our Saviour (after all the caution imaginable of a mild and private previous proceeding and dealing tenderly with a Brother, a Jew, (that trespasseth against thee) betwixt thee and him; (which if it took effect, the cause was stopt, and all further proceedings, it went no further;) but when the method of cure prov'd ineffectual, The next remedy was (not to put him into the Court, or present him, but) to take with thee one or two more; to which, if the Trespasser would hearken, (though he had neglected and refused at the first private Conference, yet) there also all proceedings were stopt, and the matter privately hush'd up, to avoid scandal; and the Church or Spiritual-Court never heard a word of it, except these Prescriptions of our Saviour did not effect the Cure.

And then, (and not till then) by any warrant from the Gospel, was any man to be put into the Court, or Sanhedrim, or, the matter told to the Church, or made a publick business of.

But then if the Criminal neglected to hear the Church, What then? Does he command the Church to deliver him to Satan? He only says—Let him be unto thee as an Heathen man and a Publican.

Which

Which words can have no other Grammatical Construction, but that thou shouldst look upon him as a man that regards not the precepts and admonitions of the Jewish Sanhedrim, more than does a Heathen-man or a Publican; that never pretended to be subject to them, nor Subject in the Kingdom of God, and therefore thou mayst take thy course at Law with him, and bring a *Clansum Fregit*, or Action of Trespas against him, before the Roman-Magistrates, in their Courts of Judicatory, as you may against a Heathen-man, (that is, a Gentile) or a Publican.

For the Publicans (though many of those Excise-men, Toll-gatherers, or Custom-gatherers were Jews by Nation and Religion too, and some of them Jewish Christians, yet they) were Herodians, (that is, true Conformists to the Roman yoke and Government; and therefore odious to the Puritanical Bygots (the Hypocritical Pharisees) that lookt with scorn upon all Man-kind, (and as Dogs despis'd and hated all) if they were not of their Religion, or rather foolish Superstition.

The best Comment upon Holy-Scripture is its self, and the best Interpreter of our Blessed Saviour's sayings, are his own and his Apostles Words and Actions.

A like Saying to this (of Matt. 18. 17.) we have in Luk. 17. 3, 4. where our Saviour says, *If thy Brother trespass against thee, if he repent, forgive him; (that is) if he pay the Trespas, and make thee satisfaction, and confess his fault, and be sorry for it, and promise amendment, (for without these there is no true Repentance) then forgive him seven times, and seventy seven times, even as often as he shall sin against thee; and neither Court him, nor Sue him in the Spiritual-Court, (before the Sanhedrim or High-Priests-Court) nor yet in the Temporal Courts of the Gentiles, or Heathen-men and Publicans.*

For our Blessed Saviour does not say, Let him be to the Church as a Heathen-man or a Publican, which the Pope to colour the Authority and *Jus Divinum* of his Excommunications (as he does that of Christ to Peter, *Thou art Peter, and upon this Rock will I build my Church*) does without any ground or colour (as politickly as sencelessly) Construe and Interpret.

But our Blessed Saviour only says, *Let him be to thee, (to thee, not to the Church) as a Heathen-man or a Publican: (that is) thou mayst lawfully then Sue thy Brother Jew at Law, as well as any Gentile, or Heathen-man, or Publican.*

Nor did ever any solid Scholar or Divine (that was not prejudic'd and fore-stall'd in his Judgment, which is usually the same with that of their Mothers and Catechisers, for few men have wit enough to see and chuse their own way, and know why and wherefore,) following (like Horses in a Team) with Nose in Tayl of their Predecessors, I say,) never an unbyas't man that ever I yet met with, could prove Excommunication out of Matt. 18. 17. But what may be concluded from the next, Ver. 18. shall be examin'd by and by.

But Matt. 18. 17. (to my understanding) sounds much like that of St. Paul, 1 Cor. 6. 1, 2, 3, 4, 5, 6, 7. *Dare any of you, having a matter against another, go to Law before the unjust, and not before the Saints? Do ye not know (that the Saints shall judg the world?) and if the world shall be judg'd by you, are ye unworthy to judg the smallest matters?*

Know ye not that we shall judg Angels? how much more things that pertain to this life?

If then ye have judgment of things pertaining to this life, set them to judg who are least esteem'd in the Church, I speak this to your shame.

Is it so, that there is not a wise man amongst you? he not one that shall be able to judg between his brethren?

But brother goeth to Law with Brother, and that before the unbelievers.

Now therefore there is utterly a fault amongst you, because you go to Law one with another: Why do ye not rather suffer wrong? Why do ye not rather suffer your selves to be defrauded?

So that when Jews or Christians happen to live in subjection under a Gentile, or Heathen-Government, than that of our Saviour, Matt. 18. 17. and

this of Saint *Paul*, 1 Cor. 6. is a Rule for them to walk by, as to going to Law.

But if the *Romans* had not Conquer'd and given Laws to the Jews (as they did in our Saviour's time.) and also if Christians do not live under a Heathen-Government, then *Matt.* 18. 17. and 1 Cor. 6. has no place, nor is there any occasion for those Rules, but they are Rules only in such cases; nor is it heard of in an Age (I know it, that have liv'd amongst the Jews) that the Jews go to Law one with another before the Christians, or put them into a Court-Christi-an, or Court-Mahometan.

But in a Kingdom or Country where the chief Magistrates are Christians or Jews, there is no place nor occasion for this Rule; namely, *Let him be unto thee as an Heathen-man or a Publican*: And therefore this Text is nothing to prove, or colour Excommunication at this day, nor ever was in our Saviour's time; 'tis nothing to the purpose, but a foolish Popish groundless Comment.

But as this Comment arose from Popish Politicks and Prelatical Usurpation, so it was grounded, and is yet countenanced, by and from a vulgar error;

Namely, That the Synagogue or Sanhedrim amongst the Jews, was only a Spiritual-Court, or Kirk-Administration; and that all the weapons they had, was putting out of the Synagogue, or debarring and excluding from the Sacraments, Ordinances, Divine-Service, and all Spiritual and Ecclesiastical-Communion: And not one of a thousand at this day but so accept it.

Whereas in truth, the Sanhedrim, Kirk, or Synagogue, was no more a Spiritual Ecclesiastical Court, than those amongst us in *Westminster-Hall*, or at the *Assizes*: For the Sanhedrim or Synagogue acted by a standing Commission of *Oyer and Terminer*; there was not amongst the Jews (especially in our Saviour's time, when he spoke those words, *Matt.* 18. 17.) two distinct Jurisdictions, Ecclesiastical and Temporal, one for the Soul, another for the Body: (for such differēt Courts are apt to clash, and keep a quarrelling, or ado, with Prohibitions, Consultations, and I know not what.)

But the Lord-Chief-Justice was also High-Priest and Chief Magistrate: and all the Inferiour Courts had Jurisdiction over all Persons, and in all Causes Ecclesiastical and Temporal, called the Sanhedrim, (the great, the less) and sometimes, and usually, the Synagogue.

Which Synagogue, I say, was carried on by Commission of *Oyer and Terminer*, and never Excommunicated any man; that is, never debarr'd any man from the Sacraments, Sacrifices, and never shut any man out of the Church or Temple if he was a Jew, though never so prophane.

But the Kirk or Synagogue, Church or Judges, or Justices of Peace, Magistrates (*call them what you will, for they*) were one and the same men, as they are at this day in *Turkey*, *Persia*, and the greatest part of the well-govern'd World, as well as in the *Theocratie* of the Jews, the Government of Gods own making. *Moses* was Lord-Chief-Justice and Priest too, and Consecrated and Ordain'd *Aaron* and his Son; *Moses* Promulgated Canons and Constitutions (not only temporal; but) Ecclesiastical.

Joshua (not *Eleazar*) was commanded by God to look to and take care that the *Israelites* should be Circumcised the second time; neither was he to except any amongst them; or debar them from the Ordinance, although the most wicked and debauched; (except haply they were Circumcised before upon another score, then indeed I do not know how they should be Circumcised again.)

And God commanded *Joshua* (not *Eleazar*) to Celebrate the *Sacrament* or *Passover*, as soon as they had got over *Jordan*; nor from that Sacrament was the most vicious debarr'd, that ever we read of: the greatest Sinner sure had most need of it; for the whole have no need of Physick, but them that are sick. *Ely* was Lord-Chief-Justice and Chief-Priest too, and so was *Samuel*.

King *David* also was the Prophet *David*; and King *Solomon* the Wife, was Ecclesiastes or the Preacher, and both of them order'd the House of God, and how matters should be carried on there; and plac'd and displac'd the Priests, and set them their Lessons, and told them their business and their errand: and when

1 Chron. 23.

5, 6.

1 Chron. 24.

3.

when Solomon's Temple was Built, he Consecrated it himself, *2 Chron. 6.*

Indeed good King *Jehosaphat* made a Council of State, or Sanhedrim or Synagogue, of a mixt Company, *parte per parte*, Priests among the Lords, Judges; a compound of Clergy and Lay-Elders, for the Judgment of the Lord, and for Controversies, and all Causes that should come before them between Man and Man, City and City, Blood and Blood, according to the Law and Commandment, Statutes and Judgment: But afterwards the Chief-Priest got the superintendency, and was the chief Magistrate. *2 Chron. 19. 8, 9, 10, 11.*

But our Blessed Saviour did not like that Spiritual Men should dirty themselves with the World, and Worldly matters; and therefore refused to be a Judg. (when the Preferment was proffer'd him) in Civil matters, and charges his Disciples that they likewise should not exercise Dominion nor Lordship, as the Princes of the Gentiles, *Luke 22. 25, 26.* And St. Peter reads the Bishops or Presbyters (for a Bishop was a Presbyter in those days) just such another Lecture, *1 Pet. 5.* But who minds what he or our Blessed Saviour (either) do say in the Case?

And yet we all pretend to be Christians.

Certainly that Constitution and Frame of Government that cometh nearest to the Platform (and is most agreeable and suiting with the Laws of God and is the best Form and Frame of Government.

Keep therefore and do them (says God by *Moses*, *Deut. 4. 6, 7, 8.*) For this is your wisdom and your understanding in the sight of the nations, which shall hear all these Statutes, and say, Surely this great nation is a wise and understanding people.

For what nation is there so great, who hath God so nigh unto them, as the Lord our God is in all things that we call upon him for?

And what nation is there so great, that hath statutes and judgments so righteous as all this Law which I set before you this day.

And in all that Law, (I will maintain it against the World) we do not read that any man living was for wickedness depriv'd of the benefit of the means of Grace, of the comfort and help of the Sacraments, Words, Sacrifices, or shut out and excluded the Church or Temple.

Indeed the Leper, and the Unclean, &c. were debarred from the Crowd and Assembly (for fear of Infection in that hot Country) but no man's wickedness, or ill life and conversation, or misdemeanor, or contempt, or scandalous behaviour was punished by depriving him of the Word, or Sacraments, or means of Grace (that we read of) in the whole Scriptures, either Old or New Testament.

And if it be not found in Holy-Writ, you may easily know whose invention it was.

For the truth is, Covetousness invented it and Pride together; the Pope invented it, and being greedy and rapacious with his Legions of Lordly Priests and Cardinals that topt the whole World: and Money being a kind of necessary Utensil in the Grandeur of Courts, as well as the sinew of War, and crocking himself in vain by smutty Chymistry to find the Philosophers-stone, he turn'd his Keys (of Heaven and Hell) into't, and made a Philosophers-stone of them, and made them turn every thing (they touch't) to Gold.

Has any man a mind to go to Heaven? you must ask the Porter leave, he keeps the Keys (he says) of Heaven-gates, Come—enter in, but first pay the Porter, leave your Purse behind you, you'll need no money there; therefore—Deliver your Purse.

Our Blessed Saviour (indeed) does say to Peter, Behold, I give unto thee the Keys of the Kingdom of Heaven, and whatsoever thou shalt bind on Earth, shall be bound in Heaven, and whatsoever thou shalt loose on Earth, shall be loosed in Heaven.

But what's all that to the Pope more than other Presbyters? For Christ gives the same Commission to all the Disciples (after he had first breathed upon them the Holy Ghost.) *Joh. 20. 22, 23.* Whose soever sins ye remit, they are remitted unto them; and whose soever sins ye retain they are retained.

And when the Pope or any other Popelings, or any other sort of people are Successors to these gifts of the Holy-Ghost, or that Christ would vouchsafe to breathe upon them, or send down the Holy-Ghost upon them, as he did upon the Disciples, then (and not till then) has any Mortal man power upon Earth to forgive sins.

For who can forgive sins but God only? said the *Pharisees* truly; but they applied it wrongfully, through their ignorance of the Divinity of our Blessed Saviour, which he endeavoured to Discover unto them, by (that saying to the Cripple) *Thy sins be forgiven thee*; but they were blind and could not see.

Can any man in his wits imagine that God should give such power unto men (the wickedest and vilest of men) to forgive sins?

1 Cor. 13. Can any man be a good man, or indeed any thing in Religion, (in true Christian Religion) without true Charity? 'tis impossible, be his other qualifications and endowments never so great: be he Pope, or Bishop, or Priest, or what he will.

And yet the Pope makes the silly Papists believe that he can fetch Souls (not only out of Purgatory) but also make *All-Souls* (in Hell) *All-Saints* in Heaven, and leave the Devils alone, if he list.

Can he so? the more uncharitable Devil he (then) by his own showing.

Had that wicked *Levite* a grain of Charity, that seeing a poor distressed man miserably wounded, and that fell among Thieves, and turn'd his face (hard heart!) and lookt another way, and went on the other side of the way, for fear he should reach a helping-hand; give me the *Samaritane* for all such *Levites*.

Much less can the Pope have a grain of Charity, or (therefore) any goodness (indeed) or Religion, or any Christianity, when he can (if he do not lie) redeem all the damned out of Hell, now roaring in torments, and will not; and all the Souls out of Purgatory (and the fire of Purgatory (the Papists hold) is hotter than *Nebuchadnezzar's* fiery Furnace, but I cannot tell, nor I hope never shall know;) and yet groaning and frying as they lie there, the Pope (hard-hearted wretch!) can deliver them, but not a Soul of them, except they, or some-body for them, down with their dust, and ready *Darby*; they will not trust for a twelve-penny piece, (which is the price of a Mass (it seems) now a days, but when I was in *Spain* and *Portugal*, they were cheaper, one might have had two for a shilling, and thank you too; nay, an *Irish-Fryar*, a *Teague Benedicite* would make you twenty Legs too into the bargain, with *Abou, bou, bou*; by *Chrees* and by *St. Patrick*; *Fast and Trot*, by my *Shoule*, *Joy*.

Never did such a silly cheat reign so long before in the whole World, but it was only because they kept the people in ignorance; and if any man durst offer to enlighten them, and speak the Naked-Truth, the Pope, and his Inquisition and Emisseries were as spiteful, cruel and devillishly bloody as any are now amongst us at this day against the Naked-Truth.

They are vildly loth to lose their domineering, insulting Kingdom of Darkness, and are as mad as *Bethlehem*, if men will not be Asses and tame Beasts, and suffer themselves (as of old) to be caw'd, crow'd over, and Priest-ridden.

'Tis said of the *German*, That (just before) God had raised up *Luther* to awake them and rowze them, they were grown so sottish and be-jaded (having so long been Priest-ridden) that their Priests might almost have perswaded them (not only to lye down and let the Priest whip them) or, (which is as bad or worse) make them whip themselves (both of them daily Penances at this day in Popish-Countries) but also they might easily have been perswaded (poor Asses!) to eat Grass.

Surely *English* men are not so dull and tame to be Hen-peckt? or to be rid and bestrid at such a rate, I hope: I confess, I have not the patience to endure it.

But though the Pope says Christ gave *Peter* (that is himself (he says) though his name be *Pius*, *Sergius*, *Innocent* or *Alexander*) the *Keys of the Kingdom of Heaven*; be it so, we will not now quarrel about it: yet, how the Devil and

he should be so kind, that the Devil should trust him or prefer him to a Porters place in the Kingdom of Hell, I cannot imagin; I am sure there is no Scripture for it.

Nor any reason, or any thing else in the case, but the Money-case.

I think, I have sufficiently evidenc'd that in *Matt.* 18. 17. there's nothing like it; nor from (or in imitation of) the *Jewish-Church*, and Gods Platform of his own making, neither God nor Christ, in the Old nor New Testament ever gave Authority, Power or Command to any man, High-Priest or Low-Priest, or any Assembly of men, Clergy or Lay-Elders to turn men out of the Church, and shut and lock them out from Divine Ordinances (the comfort as well as cure of Sinners) much less did ever prostitute such Sacred Mysteries to sale, and make a Money-matter or a Money-business of it; this was the invention of *Pharisees*, the Money-God, or Money-Merchant; or his Factors, the Popelings.

Nevertheless, though I assert this, yet I do not deny but the King and Parliament may empower Bishops or who they please, to Excommunicate; but, I say, I see no Scripture for Excommunication.

Indeed in our Saviours time the *Jews* and *Sadducees*, the Sanhedrim or Synagogue, or Courts of Justice were *Jewish-Justice*, but put into Commission by the *Roman Governour*; the High-Priest was a *Jew*, but ordain'd by the Emperor or *Roman Governour*; nor durst nor call a Court or Sanhedrim, but by permission of the *Romans*.

Archelaus the Son of *Herod* was by his Father constituted and appointed (in his last Will and Testament) King after his Fathers Death, but he durst not own the Name of King, till *Cesar* confirm'd him.

Nor durst the High-Priest act (till confirm'd by the *Roman Governour*), in any great affair; as *Josephus* relates in his 20th Book of Antiquities; and he was in a grievous quandary for procuring the Death of *James* (the Just) the Brother of our Lord, during the *interregnum* after *Festus* his Death, and before *Abbas* his Successor was arriv'd in *Judea* in his Government.

But I say the *Romans* usually granted the Conquer'd *Jews* to use their own Laws, and to be govern'd by their own High-Priest and Countrymen, and Sanhedrim, but always under favour and under correction still of the *Romans*.

This Sanhedrim or a Synagogue (then) was the same (in Christ's time) as appointed in the Law of *Moses*; namely, the High-Court of Justice, and the Lower-Courts of Justice, and all the Magistracy they ever had.

But our Blessed Saviour he never changed the Government that was enacted and established by *Moses's* Law, nor suffered his Disciples to innovate any thing in the Civil-Government, or (which is all one) Spiritual-Government, Sanhedrim, or Synagogue.

Which if our Saviour had ever spoke against, no doubt but his Adversaries that lay at catch would have accused him of it, and laid it to his charge, when they so thirsted after his Blood.

Of this Court of *Jewish-Magistracy* our Saviour speaks, when he says (in *Matt.* 18. 17.) tell it to the Church, or Synagoge, or Sanhedrim.

Which, I say, was not a meer Spiritual Court, no, no, it was no Bawdy-Court, but a Court of Justice, for Trying Causes, whipping men, beating them, stoning them to Death.

In this Court *St. Peter* and *St. John* were threatned, and *St. Stephen* stoned, *Acts* 7. And the same Court had stoned *Peter* and *John* too, but that they durst not for fear of the people that were so taken with them, for that a notable Miracle had been done by them in curing a Cripple that was born Lame from his Mothers Womb, *Acts* 3. and this was such an evident demonstration of the hand of God going along with them, and done so publickly, and only with a word in the powerful Name of *Jesus*, that the people could not but admire it and applaud it.

Whereupon they were put to a notable plunge, and when they had laid their Heads together, *Acts* 4. 15. They were at their Wits end, and knew not what to do, *Acts* 4. 16. For on the one hand they resolv'd to do all the mischief they

could or durst; and on the other hand they had no other colour for doing mischief to the Apostles, but only that they had done good and cured a poor Cripple, and that would bear no colour for their intended cruelty against them; What shall they do? What shall they do?

They were mischievously bent, and were resolv'd to do as much mischief as in them lay; but that that perplext them, and put them to this sad perplexity, the people, the people could not be gull'd with any colourable mist to blind their eyes, and make them believe they punisht the Apostles for Treason, or Sedition or Heresie; therefore the Text says, *Act. 4. 21. Finding (they sought but they could find) nothing how they might punish them (the Apostles) why could they find nothing? 'tis answered in that Text—Because of the people; for all men glorified God for that which was done.*

Ay, ay, that's the right and only way of return to God for manifestation of any *Naked-Truth* by his Servants, to glorifie his Name for the same.

And why should not the Sanhedrim have glorified God for the same, as well as the people? Had not they Souls to save as well as the people? What was this *Sanhedrim* or High-Court of Justice made up of? Who were the Members of this Council?

It is answered, *Acts 4. 1. The Priests (Ay, Ay, I should have wondred else, at a piece of mischief, if I had not found the Jewish-Priests there in the first place, next) the Captain of the Temple, and the Sadduces.*

A fine medley, of Priests, Soldiers, and Atheists; for so were the Sadduces: the *Jewish-Church* was like to be well govern'd; nor do I wonder they went about, in the next Verse, *Acts 4. 2. to suspend the Apostles ab officio, or silence them from Preaching, being grieved (good hearts!) that they taught the People:—Whereupon they put them in Jayl for that Night, (designing to get all or a greater number of their Council together (upon so good an occasion too) And then appears a great Motley crew, made up of Rulers, and Elders, and Scribes, and Annas the High-Priest, and Caiaphas, and John, and Alexander, and all the High-Priests Nephews, Cousins and Cousin-Germans.*

This is only to show you what the Church was that our Saviour speaks of, *Matt. 18. 17. Tell it to the Church*, is as much as to say in *England*,—*Complain in Westminster-Hall, Sessions, or Assizes.*

For want of the knowledg whereof, Excommunication has been counted a sacred Ordinance, and every little gather'd Church (as well as the great) took upon them the Government, and thought themselves some-body, and would have power over their own Members, to interdict, deprive, cut off, &c. and woful work they made with it; *Johnson* and others that fled to *Holland*, and had a gathered-Church, and cut off, and cut off Hereticks, and wrong Believers, till he left himself alone, or but with one, that just jumpt with him in all things.

And indeed (as in the *Mathematicks*) when a crooked Line deviates from a streight Line, the further it reaches in length, still the greater distance and more irreconcilable: so here this Text of *Matt. 18. 17.* being mistaken and wrong construed, the longer the error lasts, the greater mischief and the harder to be reconciled.

For this Interpretation has leaven'd not only *Diocesan, Synodical*, but *Presbyterian, Independent, and Congregational-Churches*, till they have fought one another with this Spiritual-Weapon most Bloodily, and they knew not wherefore; they are mistaken in the words of their Commission, *Father forgive them, they know not what they do.*

I deny not but that a Bigot, Papist, Protestant, Presbyterian, or any other Sect (that believes the Church has this power, at this day, to bind and loose, and knows no better than the old Traditional-Interpretation of these words—*Tell the Church*) have, and may still (if they please) be frightened out of their little Wit with the thunder of Excommunication; thinking it *Jure Divino*, and that the Thunder comes from Heaven.

But I doubt not, but to prove how far it is a meer earthly Cracker, and a Bugbear, and frights none but Women and Fools; were it not for the Writ—*de Excommunicato capiendo*—that follows in the Rear of it.

I know well how the Emperor *Theodosius* the younger was frighted out of his little Wit, because a lilly Monk had Excommunicated him, and could not eat, drink, nor sleep till he absolv'd him; there has and will be Bigotted Fools and Coxcombs to the Worlds end.

Nay, men that are in all other things wise, yet if they once be possessed with the Spirit of Bigottism and Superstition, and be Priest-ridden, not minding what the Holy Scriptures say, but what comments the Priests (for their own lucre, and to uphold their Prelatical Hierarchy Dominion and Usurpation) put upon it, are easily Bugbear'd with this cracker of Excommunication: as was that bravest of Men and Warriours, the Emperor *Theodosius* the Elder, Excommunicated by *Ambrose*, the greater sinner of the two.

Not but that the Emperor might be in fault, in some fault; (as what great Warriour and Conqueror (as he was) can possibly be innocent, and have hands clean from any stain of Blood,) but whether he was in fault or no, is not easie to determine; read the Story in *Nicephorus*; and though the Emperor did command the Soldiers to humble the City (that were certainly Traytors, and were Guilty *Leſe Majeſtatis*, in abusing most shamefully the Statues and Picture of his dear Wife and Empress, and possibly the Soldiers might (they are apt enough, to) exceed their Commission when there is good plunder in the case. But the poor Emperor must pay for all, and smart for all.

For indeed he was not Emperor (but a Bigot) I mean, he did not know his own Strength, Power and Authority, but suffered himself to be nuzzled by *Ambrose*, that formerly had been a Captain, and now was made Bishop of the same Town (*Milan*) that he had formerly been Governour of; but he forgot not his stout heart, though he had put on his Canonical-Weeds: read but the Story, it is too long here to insert, but, you will then (with me) pity the poor Bigot Emperor, got into ill-handling, and under the clutches of a Priest that well knew the Ascendant he had over him.

For even in these days a Bishoprick begun to be a stately business, and not only a good (but a great) thing, and had been so (of 100 years standing;) namely, ever since the good Emperor *Constantine* had been so wonderfully Enamoured of them Bishops, and therefore he made them rich; and riches are apt to make men proud; and pride is apt to make men fall: And there's an end on't.

But if the Sanhedrim or Synagogue had been a Spiritual-Court only (as men make it that thus Construe—*Tell the Church*) then certainly it was a Bloody Court as well as a Bawdy Court; for *St. Paul* confesses that he had a Commission from thence to Imprison men, and put them to Death, which surely was Law; or else King *Agrippa*, and *Festus* the Roman-Governour would have chastised him for it, when he confests, *Acts* 26. 10. that—many of the Holy men he shut up in Prison, having received Authority from the Chief-Priests (mark that) and when they were put to Death, he gave his Vote for it; and punished them oft in every Synagogue, or Church; so that I say, Tell it to the Church, or Synagogue; (is) Complain to the Justice, and no more.

And it is strange indeed that Christ should in those Words of *Matt.* 18. 17. set up a new Jurisdiction in the World, and the Apostles (who at that time knew nothing of nulling any of the Law of *Moses*, or that Christ should die, and yet) should make no exception to it, or question to have it more explain'd, if it were to be a standing Sacred Ordinance to vouch Excommunication to the Worlds end.

And as strange that none of the Evangelist, (but *St. Matthew* only) should make any mention of it; only *St. Luke* 17. 3. makes some little hint of forgiving our Brother, but not a word of putting him into Court, or presenting him.

If we can but as well get over the 18th Verse, I fear Excommunication will tremble and shake for fear of being Excommunicated its-self.

Matt. 18. 18. *Verily I say unto you, Whatsoever ye shall bind on Earth, shall be bound in Heaven; and whatsoever ye shall loose on Earth, shall be loosed in Heaven.*

And (to put in all the other Texts together, that the Bonarges's or Sons of Thunder do muster up to maintain their Thunderbolts of Excommunication,) we read, *Whose soever sins ye remit, they are remitted unto them; and whose soever sins ye retain, they are retained,* Joh 20. 23.

So also, 1 Cor. 5. There's an Order sent out for Excommunication; thereby Decreeing the Incestuous Person to be Excommunicated. And, 1 Tim 2. 20. St. Paul says he delivered *Hymeneus* and *Alexander* unto Satan, to teach them better things than to Blaspheme.

Also a Heretick after the first or second admonition reject: And for contempt, 2 Thes. 3. 14. *If any man obey not our word by this Epistle, note that man, and have no company with him,* that he may be ashamed.

Then, 2 Cor. 10. 4, 5, 6. *For the weapons of our warfare are not carnal, but mighty through God for the pulling down of strong-holds.*

Casting down imaginations and every high thing that exalteth it self against the knowledge of God, and bringing into captivity every thought to the obedience of Christ.

And having in a readiness to revenge (mark that) *all disobedience when your obedience is fulfilled.* Which last Clause, I confess, I do not understand.

Then there is that of, *With such an one, no, not to eat.*

These are the chief, if not the only places, pretended to vouch the Excommunication.

But as idle and far from the purpose as if we should alledge, Mark 16. 17, 18. to prove our selves Believers; namely, *He that believeth shall not be damn'd: And these signs shall follow them that believe, In my name shall they cast out Devils (hence comes the Popish Holy-Order called Exorcists, or Conjurers) They shall speak with new Tongues.*

Hence came the Opinion of the necessity of Univerſity-Learning, and to be a Linguist before you are capable of being in Orders (or to be a Teacher or Preacher.) *They shall take up Serpents, and if they drink any deadly thing it shall not hurt them;* (but (here) in this the Popish Mimickry and Mountebank-Tricks, in endeavouring to imitate the Holy-Ghost, wanted courage and faith to play tricks, and try conclusions:) They shall lay hands on the sick and they shall recover (there's no danger in trying that experiment) but because the Priest palming the poor sick man did not restore him to life, they would palm him indeed (in their Holy Unction) and Anoint him with Oyl in the name of the Lord, but being fruitless, they say, it is not for life, but death, not to cure, but kill, and they never anoint them but when the Physitians have given them over and past Recovery: whereas the Apostles laying hands was for their Recovery.

But now in Popish Countries (I know it) if once the Physicians have given a sick man over, the Clergy have him then; and though nature (as many times) shakes off and Conquers the Disease, yet they will not suffer the sick man to take either Food or Physick, till they be paid for the Burial, and Funeral charges, and his Legacies to Monasteries, Fryars, Nuns, &c. made good in his life-time, and paid (live or die;) a most Barbarous, Inhumane and Devillish Religion, as ever any Prince could be converted unto; that did not also hope to go snips with them in their Arbitrary-Tyranny, Cruelty, Oppression, and Bloody mind-
edness.

But I say those Texts to Legitimate Excommunication, (that has so vexed and perplexed, and ruin'd the Peace of Christendom, and all Christian-Societies, and humanity it self, (the true *Lycanthropy*, that has turn'd men to Wolves, to worry one another) is no more to the purpose to vouch Excommunication now a-days, because the Apostles could bind and loose, deliver to (and free from) Satan, (no more I say) than that in Mark 16. 16, 17, 18. can be brought to prove that we are all Infidels, and shall be damn'd.

For immediately after he says, *He that believeth not shall be damn'd,* he adds marks and signs to know who shall be damn'd, or who does, and who does not believe; namely, *They shall cast out Devils; &c.*

But hence comes the mischief in the Christian-Church, men will take upon them to be Doctors, (and I know not what) Interpreters of Scriptures, but they never mind the context, or if they do, they imbibe their Principles from their Mother, or School-Dame, or Pædagogues, or Tutor. Hence, men of equal Parts and Pregnancy live and dye Papists or Protestants. Wherefore? their Nurse, and Pædagogue, and Education were such; (a fine account!) and yet every man knows 'tis true: And they are no fools neither, in Trade, in Law, in Human-Learning---equally excellent, but Imbib'd Superstitions few men have reason and strength to shake off, as *Sampson* did his Cords and Wyths;

But every man is not a *Sampson*, the same would have hamper'd an ordinary man, and made him a foolish prey to the *Philistines*, the Bloody *Philistines*, and nuzled to it by a Female or a Wench, (a *Dalilah*.)

CHAP. III.

THUS concerning Excommunication have men, good men, Pious men, Learned men, slavishly tyed themselves (as I said before) like Horses in a Team, to follow those that have gone before them, (their Predecessors) right or wrong; especially if the Leaders be Jolly and Fat, Brisk, and well Accounted, and reputed in the World, that seldom judges right of Truth, but only through the false spectacles of Interest and Education: so that they do not so much employ their Learning and Wit to confirm Truth, but the Opinions that best fits their Pre-ferment, or best pleases their Genius, (namely) as Imbib'd and Tinctur'd by Education.

Otherwise 'tis impossible but men should know the fallacy of the consequence, that what the Apostles could, did, or had order to do; therefore we may or must do it: What non-sence is this?

Peter trod Water, (at Christ's bidding) and yet ne'er a Priest in *England* dare venture to follow him or imitate him, except he can swim; nor pretend (herein) to be his Successor Apostolical.

Peter kill'd *Ananias* and *Saphira* with a word; there's ne'er a Priest in the World (I do not say will, but) can imitate him; if he could, he should not then need to have employ'd the Magistrate in his drudgery---to Burn Hereticks, and Jayl those that the Priests Excommunicate; (a mighty Honourable Employment) and the Magistrate is mightily beholden to the Clergy for the Office, mean while (*But this by Parenthesis.*)

Peter's shadow passing by, cured the sick; they that pretend to his Apostolical Successors, and Apostolical men, never cured any man:

Peter with one Sermon Converted 3000 Souls: The Apostolical pretenders Preach not one farthing better (many much less, I do not say much worse) than when they were poor Priests.

Peter set ope the Prison-Doors and made a Goal-delivery: But some the Goals would fill, if they might have their Will.

Peter said indeed---*Silver and gold have I none*---And these indeed scarce know when (nor think) they have enough.

In short, as I said once before, I protest, I do not know wherein *St. Peter's* (pretended) Successor, imitates *Peter*, but in denying his Master; I wish I could see him on the stool of Repentance, and weep (as *Peter* did) weep bitterly: Instead of making others weep, with their Inquisitions, High-Commissions, and their Tricks and Shams, making the poor Widow and Orphans weep and curse them; *Apostolical men!* Successors and Imitators of the Apostle! For shame no more! With what Forehead? I hate the Impudence more than the Hypocrisie.

Paul labour'd with his hands to get a Living: others labour to undo men and their Families. *Paul* had a Viper on his hand, did him no hurt; others have Vipers in their hearts, and do as much hurt and mischief as in them lyes.

Paul raised *Jairus's* Daughter to life; these, breathe nothing, but Goals, Pillories, Excommunication and Destruction:

Paul Excommunicated Swearers and Blasphemers ; and some Popes (History says) and Apostolical men would Blaspheme upon occasion, Curle and Swear like Hectors : But what and wherefore, *in nomine Domini*, do these men pretend Right to Excommunicate, because *St. Paul* did it, or the Primitive Church of *Corinth*? (that had both *St. Paul's* special order for it, and his Spirit, and his Sentence, *1 Cor. 5. 3, 4.*)

They had Gifts of the Holy-Ghost (particularly that, without which no man was so impudent to bind or loose, or pretend to the power of the Keys in the Primitive times, that wanted it) namely, the Gift of Discerning of Spirits.

St. Paul could see through a man, into him, into his very heart ; so could *St. Peter*, and therefore did that, which is a sin in any of us to do, that have not the gift of Discerning of Spirits.

Therefore *St. Paul* called the Conjuror *Elymas*, *Enemy of all righteousness, and Son of a---Devil*: and *St. Peter*, by his Spirit, perceiv'd that *Simon Magus* was in the gall of bitterness and the bond of iniquity.

The Pope and Popelings are ready enough at calling of Names, but *clavis errans*, they Nick-name men, and call him a Child of the Devil, that is more a Child of God (a thousand times than themselves) and yet they'l be doing their endeavour and good-will to deliver them to Satan, and yet God will not suffer Satan to take one of them that they Excommunicate, that we know of ; no signs, nor marks on't : but rather, as they say, of the Foxes proverbially, The more they are curst, the better they thrive. Take him Satan ; Satan will not : then take him Magistrate, he must.

Whereas the Apostle *Paul*, that made the Church of *Corinth* Excommunicate the Incestuous person, it was for the destruction of the Flesh, and Diseases (as they did *Job*, when God Excommunicated him or delivered him to Satan) either kill'd him, or brought him nigh unto the Grave ; if great Godly sorrow did not intervene.

Away---with this Mimickry and Pageantry, and Apish Imitation---

If we have the Spirit of the Apostles, we are Apostolical men indeed ; they, (*Peter and John*) *Acts 8. 17. Layd their hands on the Disciples, and they received the gifts of the Holy-Ghost.*

So, the Pope and Cardinals, &c. they will be imitating, and seem to do something, and they'l Confirm by Laying on of Hands (but not that neither right, according to their own Rubricks, as I'll show by and by) but *cui bono*? Away with Lying and Vanity, let God be True and every man a Lyar ; I would appeal to any mans Conscience, If ever he received any Gift of the Holy-Ghost by such Imposition of Hands, and speak the Naked-Truth now, and do not cogg, lye and flatter your self, nor dissemble : any of you that ever was B--- Be-Pop't, or that any Pope would tell truly and not lye, Whether he felt (whilst he was at it with Imposition of Hands) that any vertue went out of him, as it did out of our Saviour, when he did the Woman good.

Away, Away ; with Folly and Pageantry at this time of day, God will not be mocked ; *And every Plant that my Heavenly Father hath not planted shall be rooted out*, saith our Bleis'd Redeemer, and I believe him, let Hell and the Pope think themselves never so cock-fure and culminant.

'Tis readily granted that if any man was a Heretick, they should avoid him ; or reject him, and cast off his Company in ordinary Conversation ; and if any Brother walked disorderly, they should not eat nor drink, nor dine nor sup with him, that he might be ashamed.

But to think, that God or good Men, the Prophets, Christ or his Apostles, did ever in the Old or New Testament command any Men, Synod or Synagogue, Church or Court, that they should shut the Church Doors, and shut out the worst of Sinners from the Sacraments, or Communion, or hale them into Church (either) by the Head and Ears ; or (which is the same) Excommunicate him, or put him out of Commons, (or the Communion) of the Church, the only Food and Cure of our Souls, and made on purpose for Sinners, is an opinion as

senceless and groundless as it has been baneful and mischievous to all Societies, and the Peace of Christendom.

I grant though, *sacra sacris*, and Holy things ought not to be cast to Dogs; therefore the Text says, *Examin your selves, and so eat of this bread and drink of this cup.*

Examin himself? It is not said examin him, Priest, and confess him, you Priest, and Catechize him, *John Presbyter*, nor you Lay-Elder.

But let him examin himself, and so let him come--- but *suo piculo*, at his own Peril.

But the Church, nor the best of men, are not defiled with communicating with the vilest of sinners.

Was there ever any better than our Blessed Saviour, or worse than *Judas*? yet Christ eat the Pascheover with him, and probably, the Sacrament of the Lord's Supper; yet he then knew him, and had Publisht him a Traytor, whom (before) he call'd---Devil.

I hate the Puritanical Pharisaical Hypocrisie of any Religion; they shall be defiled with communicating with Sinners, Drunkards! &c. And yet St. Paul and the Church of *Corinth* (as good as the best of them) are not commanded to forsake the Lords-Table, though we read that some came thither Drunk, and to fill their Bellies with the Bread and Wine, *1 Cor. 11. 21.*

Alas! every man has enough to do (if he mind it well) to look after his own Preparation, but that any that had not the Gift of Discerning of Spirits (nor these neither) did Excommunicate, or forbid the Communion to any, in the Old or New Testament, (I boldly say) 'tis false; Nor can they prove, but that he that was delivered to Satan, did also come (if he could for Diseases) to Sacraments, Prayers, and to Church, the ready road to have his Spirit saved in the day of the Lord Jesus.

I wish they were cut off that trouble you, that is, I wish the Devil had them in his power to inflict Death or Diseases upon them; for it is impossible that the Apostles should be so uncharitable to their Spirits or Souls as to wish them cut off from the Church, Militant or Triumphant; except by some extraordinary and particular Revelation.

For cutting off, and delivering to Satan, are the same thing; and it is clear the Apostles lookt upon the Incestuous Person that was delivered over to Satan, as a dying or dead man, because he adds---*That his spirit might be sav'd in the day of the Lord Jesus.*

And so both in the Old Testament (by the *Septuagint*) and in the New, the Word *ἐκθροος* or *ἐκθροῦναι*, taking out of the middle of you (cutting off) is never used (that I remember) but for the death of the Body or Soul: and therefore can never signifie Excommunication:

Besides, we never find in Holy Writ that Interdicting the Sacraments, or debarring from the Communion, was ever used for a Punishment.

The Leper, or he that had toucht a Dead Body, or a Menstruous Woman, &c. were Excommunicated properly, or put from Holy Communion; but these Impediments did as likely befall to the good as well as to the bad, and was not put for a Punishment.

Oh! but this was a Type of Excommunication under the Gospel. That's good, and well said; a Type of that that never was, and never will be; first prove Excommunication a Gospel-Ordinance, and then 'tis time enough to show where it was Typified.

And as if Real (and not only Typical) holiness were not as requisite under the Law as under the Gospel; it was a sin, then, (as well as now) to make many Prayers when the hands were full of Blood.

And strange it is that the Apostle that warns *Timothy*, *Titus*, and the *Presbyters* (or Bishops, for the *Presbyters*, *Verf. 17.* are called Bishops, *Ver. 28.*) *Acts 20. 17.* of *Ephesus* to do their Duty, should not, besides feeding the Flock, charge them also to fleece the Flock, and starve the Flock, by depriving them of Communion, or Spiritual-food, upon occasion, if Excommunication be the Appurtenance of a Bishop or Presbyter.

And that our Blessed Jesus, that took such care to mind *Peter*, if he lov'd him, to feed his Lambs and feed his Sheep; should not (if it be a sacred Ordinance) speak a word, to fleece them, and scourge them, and interdict them spiritual food, upon occasion, or, if they stray.

No, no, if they stray, thou that art a good Shepherd, reduce them; thou art well kept and paid for the very nonce.

Which brings to my mind this Parable or Story, I will not say 'tis true and real, more than the Parable of *Dives* and *Lazarus*: And it begins too just as that Parable begins.

There was two certain rich men, which were Cloathed in Purple and Fine-Linnen, and fared sumptuously every day, but all these good things were frankly bestowed on them at the mercy, and by the favour of the King, upon condition (though) that they would be Shepherds and feed his Sheep, and anoint them for the Scab, and underlook them, but not worry them, nor destroy them; nor Fleece them, nor Shear them to their own private use, nor plague them, nor vex them, though perhaps the Sheep might sometimes stray and straggle, and go a wrong Road, and tire (perhaps) and fret the Shepherds with following and running after them; yet they were not to revenge themselves upon the stray Sheep, and set their Wit against theirs, but gently reduce them, and do nothing rashly, maliciously, revengefully or peevishly, except perhaps some of the Sheep should be incurably scab'd; and then the King promised he would give the Shepherds good Wages and Hire, and they should want for nothing.

Who would have refus'd a Shepherds office upon these easie terms? or who would desire better terms, than to do good, not to kill, not to do mischief, not to destroy?

But so it hapned, that the two Shepherds, though they had several Flocks, and several fat Pastures, yet the Sheep graz'd all on one Common in distinct Flocks, whilst the Shepherds could meet together and view them, and over-see them, and yet enjoy one another, feast together, and laugh and talk together.

And (as I said before) they wanted for nothing; but their Pouches was full of Money, their Bottles full of good Wine, and their Scrips full of good Victuals, and variety enough.

Yet, so it was one morning, one of the Shepherds came to the other puffing and blowing, fretting and fuming, and so out of breath that he could scarce tell his Tale.

At length, and after some pause, recovering himself, Brother Shepherd (quoth he) was ever man so plagu'd as I have been this morning with running after a stray Sheep, Wanton and Fat? I think he has led me a fair dance, I am so tyred, I have scarce breath enough left to tell you, and to make this complaint.

Indeed and indeed (quoth the other to his Brother) and is this true? yea, very true (replied he) see but how I fret and sweat: his Brother being tender-hearted, could not but pity and take compassion on his fellow Labourer, and so much the more, because for ought he knew his own Flock might take example thereat, and lead him a dance, he knew not how soon, and put him also in the same pickle, sweat and *balnio*.

They parted (though) for that time to consider alone, and afterwards joyn Heads together and study how to be reveng'd of the said wanton fat Weather, if it were but for example-sake to all the other fat Sheep in the Flock; (for the lean Hags (poor Souls) were tame enough, they had more mind to graze and eat than to be gamefome! and they kept them to sharper Commons, on purpose to make them be gentle and easie to be guided.)

Well, something must be done, that was resolv'd; but what, or how to proceed, they could not well tell.

Let's eat him, says one; Ay, quoth the other, that would not be amiss, but the craft's in the catching him; you saw I sweat with but running after him, and could scarce give him a turn: Besides, we have Victuals enough of our own, and

and need it not; and also the King has commanded, Feed my Sheep, but Fleece them not, much more do *not* kill, (Do not stab; let them live and 'mend: they would have turn'd him out of the Flock too, but they had no Commission for that.

At length, one of them found out a Quirk, an Evasion, an Exception in their Commission, viz. *Except perhaps some of the Sheep should be incurably scab'd*; and, I say, He is a scabbed Sheep: How shall we prove that, quoth the other? for I understand by you that he is so wanton he would never suffer you to come so near him as to feel him and handle him; and for my own part, quoth he, I did never so much as see him in my life, nor do I desire it, except we could get him fast into some Pen or Pound: And then---Wherefore it was resolv'd to catch him; and to that purpose, they set their Shepherd's Dogs upon him, but what the Issue was, I cannot tell.

For here's enough (for Diversion) of a Sheepish harmless Parable, at which no man can be offended that is either innocent or wise; for none but a fool will challenge it for his own, for his own Character.

And if any man think that this is too Jocular a way of writing upon a serious Argument, I have the great examples of the most Learned *Erasmus* and Sir *Thomas Moor* for my President.

And a Warrant in my Pocket beyond all exceptions (I mean) my Bible's in my Pocket, where not only the Prophets, but our Blessed Saviour gives countenance, as well as Authority for Parables.

What got *Joseph's* Brethren by hating him yet the more for his Dreams and Gen. 37. 8. for his Words?

And what got the Chief-Priests and the Scribes by seeking to lay hands on our Saviour (and had done it then but that they feared the People) when they perceived that he had spoken the Parable against them? Come, come, it is much more pleasing to God and good men to repent and amend our sins, than show our teeth, or bite such as tell us of them. Luk. 20. 19.

Nathan told the King his (own but modestly by way of Parable at first, yet afterwards) plainly told him to his head---*Thou art the man.*

If some men I know had had *David's* Power (that want the grace that *David* had) they would have put *Nathan* in *Limbo* for it, or have been revenged on him one way or other.

But Holy *David* lov'd him the better for it all the days of his life, and kept him his chiefest favourite to his dying day.

But Holy *David* was a man after God's own heart; the evil Spirit is too great in some mens hearts, the evil Spirit of malice and revenge possesses them too much to be good at any thing so readily, as mischief, mischief; to their power, I mean, to their utmost: It is a sin to bid such---God speed.

I never read of a Persecutor (though never so great) but came to an ill end.

What should I tell of the first Persecuting Emperor, *Nero*, that stab'd himself to halves, and not being able to dispatch himself out of his pains, nor any body so kind to do his business for him, roar'd out, *Nec amicum habeo nec inimicum*: And after him *Dioclesian*, when he was glutted with Christian-blood, fled from his Imperial Crown, and hid his hated head in a Garden.

'Tis endless to tell Stories of this nature; to come nearer home, to Cardinal *Pool*, and Queen *Maries* days, that after a short and bloody Reign died both in a day, whilst the bloody Bishops of *London* and *Winchester*, *Banner* and *Gardiner*, (a precious couple of Shepherds, it's pitty they should be parted) died soon after miserably.

Let them go, some men will never take warning till the Devil fetch them, Oh! how that bloody couple did lay about them, and pay poor creatures off, Body and Soul, the Body delivered to the Flames, and first their Souls to Satan by Excommunication; a wonderful good employment, (some think) I will not say---Much good may't do them.

Some cannot believe that any Man should so be divested of Humanity, or humane King (how forlornly wicked soever) as to (do what is storied of one) persuade a Man (when he had his Sword at his Breast) to renounce his *Christendom* and *Jesus Christ*, and then he would spare his Life :

Which the poor Creature did, in hopes of a Reprieve, and time to repent it in; and then immediately he run him to the heart, that he might kill Soul and Body at one fatal stab.

But sure I am, 'tis true of these *Bloody Couple of Bishops* before-mentioned; for they never deliver'd any Man's Body to the flames, but first they *Excommunicated* him, and deliver'd him to Satan; in Faith and Hope, that they had at once murder'd Body and Soul together.

These are worse than *Scribes* and *Pharisees*; for though they look't upon our blessed Jesus as a *Friend of Publicans and Sinners*, nay, as a *Conjurer*, and one that had Confederacy with *Beelzebub*; nay (as a *Samaritan*, and) as one that had a Devil; yet they never *Excommunicated* him, nor the Apostles, nor interdicted them the *Divine Service*, *Synagogues*, *Temple*, *Sacrifices*, or *Sacraments*. No, no, this debarring and depriving Men of the Sacrament, was brought in by *Priestly Lordliness*, and *Prelatical Covetousness*; for if they can once persuade silly Bigots that they are Apostolical men, and can bind and loose, and have got the Keys of Heaven gates, and can open and let in, and absolve; and again, upon displeasure, can shut out, and Excommunicate; undoubtedly, they may take the wall of all Mankind, at least, of all *Christendome*.

But alas! alas! They have got the wrong Key, I'll prove it to them before I have done with them; our blessed Saviour's Keys that he left behind him to Peter, were spiritual Keys; and his Kingdom was not of this world; nor the Men (he left the Keys to) worldly-minded Men; and therefore he left not those Keys of binding and loosing, on Earth, in Heaven, no, not to his own Apostles, until first he had enabled them to use them infallibly; and therefore (mind the Text) before he would tell them, *Whosoever Sins ye Remit, they are Remitted; and whosoever Sins ye Retain, they are Retained*—He first breathed on them, and saith unto them, *Receive ye the Holy Ghost*.

But if Men will turn Doctors and Preachers, and Interpreters of Scripture, and never mind the Context; and out of a foolish Ambition, ascribe all that Christ said to his Disciples, as if spoken to their own silly sinful selves, no wonder that they err, not knowing the Scriptures, nor the power of God. The Gift of the Holy Ghost, always infallible, never *Clavis errans*; never turning the Key the wrong way, by hands awry, crooked, and warping, as *Interest* and *Revenge*, *Pride* and *Covetousness*, *Tyranny* and *Cruelty*, *Malice* and *Wickedness* does annuate and guide.

I hate and abominate this Apish Mimickry and Imitation.

Did the Apostles, by laying on of Hands, give the Holy Ghost?

The Pope would seem to be Some-body too, he would lay on Hands too, but *Cui Bono?* who, but a Bigotted Coxcomb, found any good it did him?

Did the Apostles heal the Sick, anointing with Oil in the Name of the Lord?

The Pope would Ape it too a little, the clean contrary way, and he and his little Priests will 'noint too, not for Health and Life, and to recover; but for Death.

Did the Apostles cast out Devils?

The Pope would be a Devil-driver too, and his little Exorcists (though I never met with many of them that were) Conjurers.

Did the Apostles speak with new Tongues?

Why the Pope then too makes it a necessary qualification of a Priest to be a *Linguist*; and yet, to my knowledge, not a Fryar in forty can speak true *Latin*.

Did the Apostle deliver the Incestuous Person (by his spirit) to Satan, and also the Blasphemers?

Why, the Pope would be at it too, though he cannot Kill whom he *Excommunicates* for *Hereticks*, 'till he makes the silly Bigotted Magistrate, Gregory it for him:

And so, also most of the Popish Prelatical-tricks are meer Mimickry and Idle, as well as Apish Imitation of the Apostles.

And he is forc't to pretend to this Juggle and Cheat, because his Ambition has Entitul'd him, *Peter's* Successor, and his pretty Cardinals and Bishops, Apostolical men; give the Word backward, for these--Apostolical men; Apostolical men.

Thus the *Gypsies* imitated *Moses* and *Aaron* with their Inchantments, *Exod. 7*: till *Aaron's* Rod swallowed up their Rods; yet *Pharaoh's* heart was hardned; and he and all his Conjurers look't upon all Religion as a humane Invention, till, by being abominably *Louise*, and (like Atheistical *Herod*) *eaten up with Lice*, they confest, *Digitum Dei*, the Finger of God.

Nor do I think the Popish Conjurers will ever part with their dear, dear, precious, gainful, Money-Trade of the Keys, till some remarkable Judgment fall upon them for the Abominable and Atheistical abuse.

Alas! the Keys ('tis plain) were no silver Keys, nor earthly, worldly mens Keys, and therefore when Christ gave them to *Peter*, he calls them, *Matt. 16. 19. The Keys of the kingdom of Heaven.*

So that an Excommunicate Person (*clave non errant*) if justly and duly Excommunicated (by Persons qualified, as the Apostles were, with the Gift of the Holy-Ghost, called the Gift of *Discerning of Spirits*, without which we never read in Holy Scripture that any Man or Church took upon him or them to Excommunicate any body) (I say) such an Excommunicate Person is by the Evangelical Precept to be as much shut out of Church, as if he had never entered in; or *as much as* (and no more than) *a Heathen-man or a Publican*.

But, that ever Christ or his Apostles, or the Primitive-Church, did ever intend by Excommunication to *lay claim to his Purse*, or *deprive him of his Freedom, Liberty or Property*, Moneys or Lands (as the *Jesuits* held, by asserting that, *Dominion is founded in Grace*, and is the ground-work of the *Pope's Tyranny* and *Usurpation* over Princes and their Subjects) is no where found in Holy Writ, nor any such *Appendix, Writ or Label* hanging at any *Excommunication*, that ever I heard of in the Gospel, or Primitive Church.

Nor the least hint in the Gospel, that our blessed Saviour (who would *not* suffer a *Prelate* (no not *St. Peter*) amongst his Disciples) should (under colour, and by vertue of *Excommunication*) grant them a Licence to *rend and tear, rant and domineer*, (as, nay *more than the Princes of the Gentiles*) over one another; much less by such a *stratagem* to deprive *Nonconformists* (*Atheists*, or *Libertines*) of their *Lands or Goods, Freedom or Free-hold*; nor ever attempted any such Invasion of the Heathen Emperors Dominions, but quite contrary, *paid them Tribute*, taught subjection to them by *vertue of Religion*, not usurpation upon their civil Rights *under colour of Religion*; and this no Man can deny, who does believe our Saviour when he said---*My Kingdom is not of this world*.

And therefore he never meant, (when he parted with these *Keys* of the Kingdom of Heaven to his Church and Servants) that they should flourish them, huff and vapor with them, fight and quarrel, threaten and revenge, or vend their malice with them, or (much less) knock Mens brains out with these *Keys*, or by the help of these *Keys*, by more nimble conveyance, get into their Purses, or pick their Pockets; or, (which is worse) lock them up in a *Jayle* by vertue of these *Keys*, and deprive them of their *Lands and Livings, Liberties and Properties*: No, no; it was the *Pope*, the *Pope* and his *Off-spring* that first turn'd these *Keys* the wrong way, (as I have said) and contrary to the way of Christ; for which he (and all such as he) meritoriously deserves the name of *Antichrist*, or contrary to Christ.

'Tis Pride, devilish Pride (call't what you will) that makes men Lord it over God's Heritage, and enslave their Bodies and Souls too, together with insatiable Avarice, in greedy Dogs that can never have enough, 'till they get the Devil and all.

This makes the Popes (both the greater and the lesser) by the abuse of Excommunication, or the power of the Keys, to cram their Coffers, to enrich their Nephews, and satisfy their Whores, when decrepit old Age cannot surrogate to their Lust; and therefore my *Lament* is,

From the Popes (both the greater and the lesser)

From Le Chiefe the French Confessor;

And from his Popish Successor;

Libera, Libera.

C H A P. IV.

And Ple justify it, it is but a Branch of Popery in any sort of people (that decry the Pope and all his Works) if they do the very same things: whilst poor men change their Lords (indeed) but not the Lordliness and Usurpation.

And that Incestuous Person that was Excommunicated and Delivered to Satan, 1 Cor. 5. 4. Wherefore was it? *To what end and purpose?*

The same Text tells us—for the destruction of the flesh (his lustful Flesh, or fleshly Lusts) not for the destruction of his Estate, Freedom or earthly Privileges, but that his spirit might be saved: All the design, and all the management, and all the consequences were spiritual, purely spiritual.

Our Blessed Saviour (though it was prosper'd him, and some would never have refused the Prisonment, that have not the mind of Christ) would not be a Judge in Civil matters; Counsellor nor Privy-Counsellor.

For his Kingdom was a spiritual Kingdom, his Rule a spiritual Rule in mens Hearts and Spirits; by his Word and Spirit; his Weapons were not Carnal but Spiritual, for the bringing down of strong Holds; not Castles and Mannors:

No, no, the Devil and the Pope, and such as follow the steps of Antichrist, set up and maintain, and uphold this Anti-Kingdom in opposition to the Kingdom of Christ; but the Pope was glad to uphold his tottering Kingdom with the Inquisition, High-Commission, Racks and Gibbets, Fire and Faggot, Fines and Imprisonments; or (which is all one) deliver them over to the Magistrate to be Executioners for him.

We thought it a fair deliverance from this Popish thralldom, when we were delivered from the Inquisition, High-Commission, Racks and Gibbets, Fire and Faggot too (of late) by condemning the *Writ de Heretico Comburendo*.

I do not deny though but that the two last, Fines, (that is) unjust Fees and Imprisonments, are to this day, in England, the Consequences of Excommunication.

But they are mistaken that think these Consequences are held forth to us in the Gospel of Christ, or the practise of the Apostles or Primitive Church: No, no, Fines and Imprisonments attend Excommunication upon another score; namely, the Law of the Land; and therefore you hear me say nothing against it.

I know what I could say, if I were in place where (I might properly discuss the point) but I have learnt to obey, and to mind only mine own business.

C H A P. V.

I Have heard some Lawyers say, that all Laws of man, which are contrary to Gods Laws, are void, *ipso facto*; as soon as made; But what's that to this affair?

But there are worse consequences of an Excommunication amongst us, than Imprisonment, or the Fees, or rather Fines, severer consequences than what attends the *Writ de Excommunicato capiendo*; for (if I mistake not) an Excommunicate Person (and signified under the Bishops Seal to be such) shall not sue at Law for his Debts, Lands, nor Estate; nor make a Will to dispose of the same; or if he do, the Spiritual-Courts will not prove it; nay, some would have it, that they shall not give their Suffrages and Votes in the choice of Parliament-men:

nor be suffered to Trade, nor to Buy or Sell; nay, in Popish Times and Countries none may buy any thing of any Excommunicate person, in pain of being also Ex-communicate, neither give nor sell them meat nor drink: For which cause it was, that *Jane Shore* was starv'd, and dyed in *Shore-ditch*, no body durst relieve her, because she was Excommunicated: And most of the *Rebellions* in the Reign of *Henry VIII.* was, because the Pope by his Bull of Excommunication, dated Decemb. 7. Anno Domini 1538. had deprived the King of his Kingdom, and had absolved his Subjects from their Obedience: Rev. 13. 16. 17.

Hard is the case (both of Kings and People,) when they lie at the mercy of the Clergy, except they will be content to be Gospel-Ministers and Servants of Christ and his People, and not Lords, to tyrannize and domineer over God's Heritage; such Pride, so contrary to the Gospel, will have a Fall, nay, it has had a Fall, yet some Men will never take warning, nor believe in God, but trust to broken Cisterns, and their own Subtleties, which are Foolishness with God. 1 Pet. 5. 3. Isa. 26. 11.

I think, every Man that has Liberties or Properties to lose, (and the poorest Man in England has Liberty to lose, though he have no Freehold) I say, it is of Concernment to all Men to look about them, and have a care; God knows, whose turn it may be next: For my part, I had rather anger the Great Turk, than a peevish proud Surrogate, Register or Sumner.

And indeed my private Concerns was the first occasion (to tell you true) of making me look and pry into their nasty privy ways, Extortions, Oppressions, under which His Majesties Subjects, poor Widows and Orphans, groan remediless to this day, notwithstanding so many Acts of Parliament for their Relief.

Does not the Statute of 31 Edw. 3. 4. tell us, "That the Ministers of Bishops, and other Ordinaries of Holy-Church, take of the People grievous and outrageous Fines (where note by the way, that by outrageous Fines, is meant (by the Statute) unjust Fees) for the Probate of Testaments? &c.

And the Statute of 3 Hen. 5. 8. begins thus----

"Whereas the Commons of the Realm have oftentimes (mark that) in divers Parliaments (mark that) complained of that, that divers Ordinaries do take for the Probate of a Testament, &c. against Right and Law; &c. therefore, that Statute reduc'd them to Two shillings six-pence, or Five shillings at the most.

A likely matter, that Spiritual Men can be held bound by a Statute, that could bind and loose all the Commons and Nobles too at their pleasure.

A Statute Law bind them? No, no; no more than Samson's Withs, or New Cords could hand-cuff the Gyant; (that is) so long as (and no longer than) he list.

Therefore the Statute of 21 Hen. 8. 5. complains and complains, and tells how often these Ecclesiastical Men had baffled the Statute, enumerating, and particularly naming the two former Statutes here now recited, and reduces then for the Probate and Inventory,

Sometimes to 6 d. sometimes to 2 s. 6 d. at most but 5 s. as I have more particularly given you a Table of Fees, in my Vindication of the Naked Truth--The Second Part: And all this, in pain of 10 l. one Moyety to the King, and the other to the Party grieved, together, &c.

Then you'll say, Why do they still take 20 s. 30 s. 40 s. and sometimes 50 s. for a Probate? sometimes much more:

I answer, Because they are Impudent, as their Predecessors are complain'd of; Statute after Statute, Parliament after Parliament, and to little purpose.

--- Go bind Samson; but you had best have a care you come not within his Clutches: Go, and complain against them; To whom? you'll say, perhaps, write Naked Truths against them, that at length our Superiors may hear the Complaints of the Widow and the Orphans oppress'd grievously by their Extortions in Probates, &c.

Does not God Almighty say, concerning the crying Sins of Sodom and Gomorrah, Gen. 18. 20, 21. Because the cry of Sodom and Gomorrah is great, and be-

cause their sin is very grievous; I will go down now, and see whether they have done altogether according to the cry of it, which is come unto me: and if not, I will hear.

Well then, publish their known Extortions, (as the said Statutes already mentioned confesses) that the Commons did grievously complain of the Extortions and Oppressions of the Spiritual Court: And will not this way do? Write against them, and Print against their impudent sinning in defiance of the Statutes, the Laws and Justice of the Realm;

And what then? Will that do?

Yes, that will do one thing, namely, undo the Author; I'll assure you (expert crede Roberto) I am in a fair way to it; if Actions brought by my great Bishop in Common-Law Courts, and in Ecclesiastical Courts, and Citation upon Citation, in Arches, in Delegates; if all these, and Power into the bargain, will not sink one Poor Man, sure then there's more than humane help, and more than a humane hand in it.

But you may well say, Godly Bishops should not be angry and touchy, nor enrag'd at, nor become an Enemy, an open Enemy against any Man, for telling the Naked Truth, of the Vileness and Extortions of their Ministers and Under-Officers, against the known Laws of the Land, but love and cherish such; and if they will be angry, they should vend their spleen against the said wickednesses of their Under-Officers; and correct and amend, and take shame to themselves, and shew signs of Repentance.

But I am not bound to answer this Objection; only it brings to my mind, the temper and opinion the King and Parliament were of concerning the Bishops, and their Visitations, (some years after the Pope's Supremacy and Prelacy was cut down, in the beginning of the Reformation) in H. VIII's time, expressed by the coupling together of two words in 35 H.8.21. namely, *Visit or Vex*; as if they were Synonyma's, or the one explanatory of the other; *Visit or Vex*? good; The King and Parliament had a good opinion of the Bishops Visitations, in the interim, to count them vexatious, and to make provision for the King's Churches and Chapels to be freed and exempt from their Visitations; I shall never forget it--- *Visit or Vex*; nay, I know it experimentally; a most admirable Couple, or Conjunctive Copulative--- *Visit or Vex*; good, incomparable! well, since that wise King and Parliament put them together, let them go--- *Visit or Vex*.

Yet let no Man mistake me, as the Vulgar Translation does the Text in St. Luke's Gospel, reading--- *Evertit domum*, instead of --- *Everrit domum*: (that is) *She overthrew the house*, (instead of) *She swept the house*: No, no, I love a Bishoprick too well, to wish its ruine; the worst I wish them, is to 'mend, not end them.

Again, You may well say, *That as Great as they are, they are not Too Great, Burly, and Overgrown for the Law, that has prov'd an Overmatch to the greatest Favourites and arbitrary Judges in England in all Ages, and has brought some of them to the Block.*

I doubt it not: why then you'll say, *Indict them*, and bring Informations in the Crown-Office against them: *Indict them*? --- *Sh--- them*.

There are so many starting holes in the Statute, and they are Cunning, and Rich, and do you not know that *Riches can make Friends*? I thought you had known it:

I have heard of some Highway-men and Robbers in other Kingdoms, that when they Rob a Man of a 1000 l. they'll be content to be taken and tryed for their Lives, if you give them but 600 l. more: why so? what will the money do them good, if they are hang'd? true:

But they know a way worth two on't; for, for 500 l. given to Madam---she can procure a Reprieve.

--- But you'll say, What's all this to the purpose? or to the Men of Doctors Commons? or do you think you tell us News? or what's this to Excommunication, and the power of the Keys?

I answer, with a late learned Author, Why may not a Man be suffered to talk Impertinently now and then? 'Tis the mode, the very Gazet-mode, and the fashion of every weekly Pamphlet.

And

And yet (by your favour) though the Extortions and notorious Oppressions in the Probate of Wills, &c. be no news; since *Edward III's* Reign (a very, very old Disease, it's well if it be capable of Cure) yet treating here of the Power of the Keys and Excommunication, I cannot be Impertinent if I shew you how *Vice corrects Sin*.

And as my private concern (as I said before) occasion'd my search into their Ways and Authority, so I doubt not but the Reader will be abundantly satisfied in reading the whole Libel and Articles against me, and my Answer; *Proximus ardet*---It may be your own case e're long, or your friends; and, (if it be,) by my Answer you'll know the better how to handle them.

For, for all my whining for the loss of my said Guiney, I assure you, I fear them not; (as I us'd to say) in my old Motto (like a Tortoise in his Shell) *Virtute mea me Involvo*; I am safe rowl'd up in mine own Innocence, and in the Integrity (Ibless Almighty God) of mine unblemish'd Life and Conversation; unblemish'd (I say, that would not say it, nor should not say it, but on this occasion in mine own just defence, I say again, unblemish'd) except by Lies, and Libels, and a pack of *Hireling-villains*, that, (for the sake of Money and a Fee,) be-slander me; but *Nubecula est & evanescit*; 'tis like a Vapor, or a morning Cloud, it vanishes, and must and shall; before I have done with them, they'll know me better.

I wish I could impart my Fortitude (in suffering, I mean,) to all that are oppressed, they shall find I am Shot-free and Malice-proof; and for my Guiney afore-said, let it go at present, I'll fetch some of it again, with a vengeance to them: and have Arrested, or order'd to be Arrested the said Vice-Register *Nucourt* for it already.

I cannot endure to part with my Money, no, not upon the Road, but I must know why and wherefore; if they tell me a Lye, they must shew me a reason for't before we part, if I be not *Godfreydiz'd*, or *Arnoldiz'd*: the World's wicked enough.

But my Answer cannot be understood, except I give you first an account of the Libel exhibited against me in the *Arches*, *Thomas Doughty* Gent. the Promoter; but upon second thoughts it was deem'd meet, to make *Henry* Bishop of *London* Promoter; but their Councils being confus'd, and the men Ruffled with my appearance in that Heathenish Language Greek, (which I spoke not in ostentation, but) because many of the *Canons* were made originally in Greek, and the Interpreters thereof, the *Doctors* of the *Canon Law*, had need blush as Red and Scarlet as their Gowns, of being ignorant of the Original they profess to interpret; besides, I did it to shew how well their Caps became them, whilst I (forsooth) must stand bare before the Gallants; (a very comely sight, and a great deal of reason:) But so puddled they were some of them, that when I came first into Court, *Thomas Doughty* was the Informer and Promoter; but he not being thought big enough, or for what other reasons I cannot tell, (nor do I desire to be a privy Counsellor amongst them) but *Doughty* was scor'd out by the Bishop of *London's* said Vice-Register, the said *Nucourt*, and in his place, by Interline, was inserted *Henry* Bishop of *London* for the Promoter; but that also was another blunder, for in the last Article *Doughty* gets the honour of the place again, and is made Promoter again against me, in this terrible Libel following, viz.

C H A P. VI.

IN Dei Nomine Amen. Nos Robertus Wyfeman Miles & Legum Doctor^s Almae Curiae Cant^a de Archibus London^a Officialis Principalis Legitime constitutus, tibi Edmundo Hickeringill, Clerico Rectori Rectoriae & Ecclesiae Parochialis omnium Sanctorum in villa Colcestria Dioc. London^a Cantq^a Provinc^a Articulus Capitula sive Interria meram animae tuae salutem, morumque & excessuum suorum reformationem & praesertim crimina & delicta tua infra script^a concernen^t ex Officio nostro ad promotionem Reverendi in Christo Patris & Domini, Domini Henrici London^a Episcopi objicimus & Articulamur prout sequitur, viz.

1. **I**mprimis, Objicimus & Articulamur, That in the Months of March, April, May, June, July, August, September, October, November, December, January, February and March, in the years of our Lord, 1674, 1675, 1676, 1677, 1678, 1679, 1680. and in the Months of March, April and May, 1681. You the said Edmund Hickeringill were, and still are, Rector of the Rectory and Parish-Church of All-Saints in Colchester aforesaid: And as and for the Rector of the said Rectory and Parish-Church aforesaid, you were during the time aforesaid, and still are, commonly accounted, reputed and taken, Et Objicimus & Articulamur conjunctim & divisim & de quolibet.

2. *Item*, We Article and Object, that you the said Edmund Hickeringill, to promote differences between Samuel Bridge Clerk, Rector of Wivenhoe in the County of Essex aforesaid, and his Parishioners, did, within the time aforesaid, endeavour to Animate and Incense the said Parishioners, or some of them, against their said Rector; and proffer^d, that if they would give or pay you twenty pounds, you would rout the said Mr Bridge from the said Living, or from amongst them, or to that effect. *Pot. tamen de qualibet alia summa.*

3. *Item*, We Article and Object, that you the said Edmund Hickeringill, do know, believe, or credibly have heard, that Samuel Harris Clerk, was, and is the lawful Vicar of the Vicaridg of Fingringhoe in the said County of Essex, and by vertue thereof, rightly instituted to the small Tythes belonging to the said Vicaridg; and that notwithstanding the Premises, you the said Edmund Hickeringill, have stirred up, and forewarned several of the Parishioners of the said Parish, not to pay their small Tythes to the said Vicar, on purpose to stir up contentious Suits between the said Vicar and the said Parishioners. And this was and is true, publick and notorious, and so much you the said Edmund Hickeringill have confessed and acknowledged to be true. *Et Objicimus & Articulamur ut supra.*

4. *Item*, We Article and Object, that you the said Edmund Hickeringill, do know, believe, or have credibly heard, that within the time aforesaid, the Tythes, Profits and Emoluments of, and belonging to the Parish-Churches of St. Botolphs and St. Leonards in Colchester, being both void of an Incumbent, are, by vertue of a Sequestration for each of the said Churches, rightly and duly committed and granted by the Right Reverend Father in God, Henry Lord Bishop of London, to the Custody of the said Samuel Harris Clerk, and that he is rightful and lawful Sequestrator of the same; and that by vertue of a Licence or Licences under the Seal of the said Bishop, the Cure of the Souls of the Parishioners and Inhabitants of the said respective Parishes, are rightly and duly committed and granted to the said Samuel Harris: And that notwithstanding the Premises, you the said Edmund Hickeringill, have forewarned several Parishioners of the said Parish, or one of them, not to pay any Tythes, Dues, or Duties, to the said Mr. Harris: And more particularly, by a Note under your Hand, bearing Date the sixth of April, 1681. Directed to the Parishioners and Inhabitants of the said Parish of St. Botolphs, have promised to save harm-
less

less and indemnifie all the Parishioners and Inhabitants of the said Parish in the payment of their Tythes, Offerings, Obventions and Oblations unto you, against all men living; And likewise by another Note under your Hand, bearing Date the 16th day of March, 1680. have promised, and engaged unto one *Robert Gibson* of St. Leonards in Colchester aforesaid, Baker, to defend him and save him harmless in the Possession of the Parsonage-House of St. Leonards aforesaid, upon condition he pay unto you the Quarterly Rent of twelve shillings and six pence so long as he holds the same, notwithstanding the said House belongs to the said Mr. Harris, by vertue of the said Sequestration. And that if he be ejected or troubled by Suits at Law, you will bear the charges of the said Suit; and will also bear the charges of erecting an Oven there, if he be forced out of the Possession thereof by due Course of Law before *Christmas* next, after the Date of the said Note, he paying you fifty Shillings at *Christmas* next, if he be in the Possession of the same Parsonage-House, and do not relinquish the same; till forced thereunto by due Order of Law, or to that effect. *Et Obijimus & Articulamur ut supra.*

5. Item, *Obijimus & Articulamur*, that notwithstanding the said Mr. Harris is Licensed by the said Bishop to serve the said Cures of St. Botolph and St. Leonards aforesaid, yet you the said *Edmund Hickeringill*, in contempt of the Authority of the said Bishop your Ordinary, have threatned the Sextons of the said Parishes, or one of them, that you will ruin him or them, if he or they give notice to the said Mr. Harris of any business concerning the Ministerial Function to be done or performed, as Christning, Marrying, Burying, or the like, in the said Parishes, or either of them, and that you have several times, or at least once, disturb'd the said Mr. Harris in doing and performing his Ministerial Function, in the said Parishes, or one of them, in one or more of the Holy Offices aforesaid; to the great scandal of our Ministerial Function, and of all good people, in and about Colchester aforesaid: And this was and is true, publick and notorious. *Et Obijimus & Articulamur ut supra.*

Item, *Obijimus & Articulamur*, that you the said *Edmund Hickeringill*, do know, or have heard, that by the Canons and Constitutions of the Church of England, in that behalf Published and Established, no Minister upon pain of suspension, *per triennium ipso facto*, shall Celebrate Matrimony between any Persons without a Faculty or Licence first in that behalf lawfully obtained, except the Banes of Matrimony have been first Published three several Sundays or Holydays in the time of Divine-Service, in the Parish Churches and Chappels where the said Parties dwelt, according to the Book of Common-Prayer: And that every Minister who shall hereafter Celebrate Marriage betwixt any Persons, contrary to the said Constitutions, or any one of them, under colour of any peculiar Liberty or Priviledg claim'd to appertain to certain Churches and Chappels, shall be suspended, *per triennium*, by the Ordinary of the Place where the offence shall be committed, as by the said Canons and Constitutions Ecclesiastical it doth more plainly appear. *Et Obijimus & Articulamur ut supra.*

7. Item, *Obijimus & Articulamur*, that notwithstanding the Premises, you the said *Edmund Hickeringill*, in contempt of the said Canons and Constitutions, did in the Months of March, April, May, June, July, August, September, October, November, December, January, February and March, in the Years of our Lord, 1678, 1679, 1680. And likewise in the Months of March, April and May, 1681. And in all some or one of the said Years and Months, without any Licence or Faculties in that behalf first obtained, or Banes Published and Denounced, as is enjoyned by the said Canons and Constitutions, and by the Book of Common-Prayer, by Law established in the Church of England, Solemnize, or rather Prophanize several Marriages between several persons, and more especially between *James Abel* of the Parish of St. Leonards in Colchester aforesaid, and *Anne Burnham* of the same Parish: And also between *John Shephard* of the Parish of St. Leonards aforesaid, and *Damaris Gillings*, of the same Parish. And also between *Edward Hartley* of the Parish of St. Botolphs in Colchester, and *Mary Groom* of the Parish of St. Leonards aforesaid. And also between *Daniel Steers* of the Parish

of St. Mary Magdalen in Colchester aforesaid, and Ann Bloome of the Parish of St. Leonard aforesaid. And also between Richard Potter of Alldham in the County of Essex, and Everert of the said Parish, Widdow. Et Obijicimus & Articulamur ut supra.

8. Item, Obijicimus & Articulamur quod premissa fuerunt & sunt vera publica & notoria manifesta pariter & famosa ac de & super eisdem laboravit & in Prasenti laborat publica vox & fama unde firma fide de jure in hac parte requisita petit pars ista proponens jus & justitiam sibi fieri & Ministrari cum effectu, nec non prefatum Edmundum Hickeringill pro tanto sua temeritatis excessu in delictis & criminibus suis predictis Canonice corrigi & puniri, & a dicta sua Rectoria omnium Sanctorum in Villa Colcestria predicta per triennium juxta Canones & Constitutionis predictae suspendi ac pro sic suspenso denunciari & declarari doctumque Edmundum Hickeringill in expensis Legitimis ex parte & per partem Thomae Doughty in hujusmodi causa factis & faciendum eidemque se ad omnia & singula promissa probanda sed quatenus probaverit & in premissis catenus obtineat in petitis officium Domini Judicantis humiliter implorando.

To which Libel (at my second appearance before them) in Doctors-Commons (of which this is the News) November 12. 1681. I gave in, over and above the Protestations to be seen in my first Printed News from Doctors-Commons, This following Answer.

CHAP. VII.

ALLEGATIONS humbly propounded in the Court (vulgarly) called the Arches, held in Doctors Commons, London, in further Protestation, Plea and Answer to certain Articles in a Libel against Mr. Edmund Hickeringill Clerk, Defendant. Exhibited before Sir Robert Wiseman (there) upon a Citation, at the Promotion of Thomas Doughty Gent. (alias) at the Promotion of Henry Bishop of London. Novemb. 21. 1681.

THIS Defendant saving to himself all Advantages and Benefit of Exceptions already made by Protestation against the Proceedings of this Court, by reason of the Statute 1 Edw. 6. 2. against all Process Ecclesiastical, wherein the Name and Style, and Seal of the King is not inserted, which (with the Penalties at the Peril of the Transgressors thereof) is now in force (as this Defendant is informed by his Council learned in the Law) notwithstanding some Opinion given to the contrary, during the Awe and Terror of the High-Commission-Court, now (blessed be God) abolished.

Saving also the benefit of such other Statutes and Reasons by this Defendant formerly alledged in the said Protestation; All which being saved to this Defendant, he further Protesteth and saith,

First, That under Favor of this Court, and with submission to better Judgments, this Defendant humbly conceives, that there is a Statute made in 16 Car. 1. 11. whereby not only that branch of 1 Eliz. 1. is repealed; But also, It is further Enacted by the said Statute, That no Archbishop, Bishop, Archdeacon, Commissary, Official, &c. shall inflict any Pain, Penalty, &c. for any Misdemeanors, or Contempt, &c. in pain of One hundred pounds, and Costs and Damages to the Party grieved.

Statute
print.

Upon which it is acknowledged by 13 Car. 2. 12. that doubt did arise, whether by 17 Car. 1. (and yet there never was any Statute made in that 17 Year) All Ecclesiastical Jurisdiction was not thereby suspended (which doubts, whether well-grounded, this Defendant does not take upon him to determine, but rather thinks that Ecclesiastical Jurisdiction, as to purely Spirituals, and purely Spiritual Weapons, is not thereby taken away, nor should the Weapons of their Warfare be Carnal, but Spiritual.)

But this Defendant humbly conceives, That the said Statute comes fully home to this his present Case, (in the said Articles) and is without doubt.

The last Article of the said Libel threatening this Defendant with *no small Pain and Penalty*, but *no less* than that of being *suspended for Three Years from his Rectory of All-Saints in Colchester, in that County of Essex: And also to pay money for Costs.*

Both which are great Pains and Penalties, though not so bad as corporal Punishment, yet they are Punishments (not Spiritual, but) Temporal Pains and Penalties.

All which that Statute takes (right and good reason) from their Jurisdiction Ecclesiastical or Spiritual, as well as Corporal punishments:

As all becoming Church-men; that never learn'd this of their Saviour.

Nor, (*as this Defendant is informed by his Council learned in the Law*) is this Statute of 16 Car. 1. 11. repealed; nor whether any reason it should be repealed, this Defendant thinks it not proper for him to determine, but humbly thinks that it is impossible that the repealing the 17 Car. 1. should repeal 16 Car. 1. But doubts not but it is available to him to defend him from the force of the said Article, and to keep his said Rectory, Tythes and Profits, from the reach of this Spiritual Court.

Besides, The said Article threatening to *suspend this Defendant from his Rectory for Three Years*, (and the said Rectory being this Defendants Freehold) the validity of this Defendants Title thereunto, ought not to be tried in any Ecclesiastical Court, but in the Courts of our Lord the King, as in the Statute of Provisors, 16 Rich. 2. 9.

For the Plenarty of a Benefice, or whether a Benefice be full, shall not be tried in the Ecclesiastical Court, or Court Christian, (says the Lord Cook) but in the Kings Courts, as in the other Statute of Provisors, 25 Edw. 3. & 9 Edw. 1. 2. & 18 Edw. 3. 5. 16 Car. 1. 11.

And in cause of disturbance (*as this is*) concerning the Right of Tythes pertaining to a Rectory, when it is *deraigned*, then shall the Plea pass in Court Christian, as far forth as (*and no further at their peril then*) it is *deraigned* in the Kings Courts, as in the said 9 Edw. 1. 2. & 18 Edw. 3. 5. 28 Edw. 3. 3.

A Jury, not an Official, or Commissary, Bishop, nor Archdeacon, shall determine Mens Freeholds; such are all Rectories and Vicaridges.

Secondly, In the said Process or Citation, (the ground or leading Process to the after-proceedings against this Defendant in the said Court) the said Defendant is cited to answer certain Articles at the Promotion of Thomas Doughty Gent.

But such Articles at the said Doughty's Promotion are not deliver'd to this Defendant, nor were exhibited against him at his first appearance upon the said Citation, as is provided by 2 Hen. 5. 3: nor such Libel or Declaration answerable to the Process charged upon this Defendant to this day; and therefore he ought, by the said Statute, to be dismiss'd with Costs.

But instead thereof, another Libel was deliver'd to this Defendant, wherein Henry Bishop of London is Promoter, (Richard Nucourt the Proctor, in presence of this Defendant, blotted out (for the Ink was not dry when the Libel was deliver'd) Thomas Doughty the aforesaid Promoter, and in his Room very sawcily (and no doubt without the said Bishops privity; being absent) inserted Henry Bishop of London as Promoter; nor will the said Bishop have very much cause to thank him for the Place or Preferment, (it being much below the Grandeur of a Reverend Bishop to be an Informer or Promoter.)

But the Half-crafty Proctor, the said Nucourt, was got into a Dilemma, and knew not how well to extricate himself:

For when this Defendant urg'd the Statute of 23 H. 8. 9. against Sir Robert Wiseman, with the Penalty of 10 l. besides Costs and Damages, for citing this Defendant out of the Diocess of London, where he Inhabits; to save the business, it was thought fit rather to let Doughty's said Promotion fall (but then Costs should have been given this Defendant, but it was denyed and refused against the Rules of their own Courts and Methods, (as if they had the Law in their own hands.)

And to save the Statute of 23 H. 8. 9. and the Penalties there, Henry Bishop,

of London was Inserted *Promoter*, though this Defendant was never Cited to answer his Suit and Promotion.

Nay, it looks like a *Wheedle*, or a *Trepan*, to drill a Man into a Court by Process in a *feigned Suit*, and then *clap an Action* on his Back at another Man's Suit, and without his Privity too: but any methods to carry on the *Cause*, *The Cause*.

Besides, according to the *usual Methods* of this Court, no Man is obliged to accept a *Libel* except the Promoter become bound in sufficient Penalty (not only with *responsable* and *sufficient Sureties*, but such as are capable of being *Arrested*) in case of *Non-suit* (or *failure of proof*,) to pay to the Defendant his Costs and Damages.

But no such thing is done for this Defendant (*new Lords, new Laws.*) This Defendant is like to thrive amongst you in the *Interim*.

C H A P. VIII.

Nevertheless this Defendant, to *vindicate himself*, and the integrity of his *unblemish'd* (he hopes he may say, without offence, in this his *just and forc't defence*) Life and Conversation; and to manifest that the said *Protestations*, *Answers* and *Pleas* are not *dilatory*, and on purpose to *decline a particular Answer*, or *evade* the discussing of the *merits of the Cause* and *Crimes* alledged against him in the said *Articles*; he this Defendant (saving to himself the benefit of his former *Allegations*, *Pleas* and *Protestations*) further (*Particularly.*) answereth and saith,

1. That the first Article in the said *Libel* (as *being only in course*) is *true*, and all the *other false*, further than is hereafter declared.

2. That the 2, 3, 4, and 5th Articles are Instances and Accusations against this Defendant as a common-mover, exciter and maintainer of Suits and Quarrels, which is *Barretry*, (an offence against the *Statute Law* and *Common-Law* of this Realm) and therefore ought not to be Tryed in any *Ecclesiastical-Court*, as forbidden in the Statute of *Provisors*, 16 R. 2. 5. *In derogation of the Courts* of our Lord the King (*mark how the Spiritual-Courts and the Kings-Courts are oppos'd,*) implying necessarily, that the King and Parliament *did not then look upon the Spiritual Courts* to be the *Kings Courts*, but the *High-Priests Courts*; nor do they (*to this day*) hold them in the *King's Name and Style*, and all their Acts under His *Seal*; what Policy is it at this time of day to be *Independents*, (I mean) *Noun-Substantives*, and stand by our selves?

The said Statute too, 16 R. 2. 5. is in pain of a *Premunire*, and has a mighty *fetch and reach*, (even *over the water*, as well as on this side) for the Statute says---The Court of *Rome*, or *elsewhere*.

3. The said Defendant, Mr. *Hickeringill*, had an Information brought against him for *Barretry* in the *Crown-Office*, and at a Tryal at *Chelmsford Assizes*, (March 3. 1680. for the County of *Essex* thereupon) amongst 24 *Heads* of the charge of *Barretry* exhibited against him (*then and there*) tried, the 23d Head was the substance of the said 2d, 3d, 4th and 5th Articles (in the *Libel* aforesaid mentioned) and this Defendant (though pleading his own Cause) was *acquitted with honour* of this malicious Charge, the Right Worshipful Knights and Gentlemen of that Special Jury *not stirring* from the Bar, nor the *least proof* of the Charge made out against him in any one Particular; nor any proof but of the *Folly* as well as *Malice* of the *Informers*, *Conspirators*, and *Promoters* then and there.

And must he now again for the *same matters* be tried again by the *Ecclesiastical Men*, after *acquittal* in the Courts of our Lord the King, and by Prosecutors that were then *Accessories* (at least) to the said causeless and malicious Prosecution; and in defiance too of the said Statute of *Provisors*?

C H A P. IX.

4. THE Title of not only a fourth part, (which is ground enough for a *Prohibition*) but all the small Tythes of St. Botolph's Parish (as in *Archiep's*) is in question and controversy.

For the said Promoter, Henry Bishop of London, pretends Right to dispose of the said Tythes by Sequestration, nay, has dispos'd of the said Tythes, (but shall the Defendant suffer it) to one Harris, whereas the Defendant has enjoyed the Tythes 19 or 20 years, and yet enjoys them, (as Rector of the Rectory of All-Saints in Colchester in the said County of Essex, in Right of (and belonging to) his said Rectory, as his Predecessors, the Rectors of All-Saints aforesaid, have done quietly; and (till now) without disturbance, ever since the dissolution of Monasteries, and (amongst others) the Priory of St. Botolph's in Colchester aforesaid, granted, sold or given by King Henry VIII. to Thomas Lord Audley, then Lord Chancellor of England; and from him, and his Brother and Heir Thomas Audley Esq; together with his Executors (joining together) granted unto Robert Plumton Clerk, Rector of the Rectory of All-Saints aforesaid, and to his Successors for ever (whole present lawful Successor (and for above 19 years has been and now is this Defendant) by Deed, a true Copy whereof follows in these words, verbatim.

To all Christian People to whom this present Writing shall come, Edward North and Thomas Pope Knights, Edmund Martin Esq; and Thomas Gimblet Gentleman, Executors of the Testament or last Will of Thomas Audley whilst he lived Knight of the Noble Order of the Garter, Lord Audley of Walding, and Lord Chancellor of England, and Thomas Audley Esq; Brother to the said Lord Audley, do send Greeting. Whereas the said Lord Audley in his Life-time, for and in consideration of certain Covenants, Grants and Agreements made between him, and the Parishioners of the Parish Church of All-Saints in the Town of Colchester in the County of Essex; did give, grant, bargain, sell and confirm unto the Rector of the said Parish Church, and to his Successors for ever, All the Tythes as well of Hay, Wood, and Corn, as of any other kind or sort whatsoever to him belonging in the Town of Colchester aforesaid, by reason of the Dissolution or Resignation of his House or Priory of St. Botolph's in the said Town of Colchester: Know ye therefore, That we the aforesaid Edward North, Thomas Pope, Edmund Martin, Thomas Gimblet, and Thomas Audley Esq; for the more sure and perfect accomplishment, performance and execution of the said Covenants, Grants, and Agreements, as also in Consideration, and for the Sum of Forty Pounds of Sterling money by Richard Aufield and William Hutter now Churchwardens of the aforesaid Church of All-Saints, to the aforesaid Lord Thomas Audley in his Life-time, paid in full Purchase and Bargain of the aforesaid Tythes to him the aforesaid Rector, and to his Successors for ever: Have given, granted, sold, and by this present Writing confirmed unto Robert Plumton Clerk, Rector of the Parish Church of All-Saints in the Town of Colchester aforesaid, and unto his Successors for ever, all the aforesaid Tythes in the Town of Colchester, or elsewhere: To have, enjoy, hold, and take all and singular the aforesaid Tythes to the said Robert Plumton, and to his Successors, Rectors of the Parish Church of All-Saints in Colchester aforesaid, for the time being, for ever. And I the said Thomas Audley Esq; and my Heirs, All and singular the Premises above specified, against me the said Thomas Audley Esq; and my Heirs, to the said Robert Plumton, and his Successors aforesaid, shall and will warrant, and for ever defend by these Presents. In witness whereof, we the said Edward North, Thomas Pope, Edmund Martin, and Thomas Gimblet, and Thomas Audley Esq; to this our present Writing have set our Seals: Dated May 14, in the 26 year of the Reign of the most excellent and invincible Prince, and our Lord, Hen: VIII. by the Grace of God King of England, France and Ireland, Defender of the Faith, and on Earth the Supreme Head of the Church of England, France and Ireland.

EDWARD NORTH, } THOMAS GIMBLET
THOMAS POPE, } THOMAS AUDLEY.
EDWARD MARTIN, }

And is it not Great, first to invade a man's Rights and Freeholds, and then Article against him as a Barrator, for defending himself and them? Oh! most incomparable Subtlety and Policy! And if a Plenary (for three years only) shall be an Estoppel to the King, (as in some Cases, 18 Edw. 3. 5.) much more a Plenary for 19 or 20 years, as in this Case; not to be stifled nor tried, whether by Right obtained, or by Infrusion, (though this Defendant enjoys them by lawful Presentation from the King, and Institution and Induction thereon, but however) this Spiritual Court extravagantly inquires after it; the Titles of many Freeholds and Rectories, belonging *only* to the Courts of our Lord the King; and a Trial by Juries, as proved by the Statutes (before mentioned) beyond all contradiction; or fear of any thing, but a *Præsumptio*, for being Bute-bodies, that would look in all things (by hook and by crook) into the Jurisdiction of their Courts, (as you know who does) in *ordinis ad spirituales*.

Fifthly, As for the Rectory of St. Leonards in Colchester, aforesaid, a poor business it is, (God knows) not worth 7l. per Annum, nor, that able to repair the Dilapidations of the Parsonage-house in ten years, nay, it had been demolished to the ground long ere this, but for care taken for the same by Robert Sewell Gent. who was, and still is Sequester of the Profits of the said Rectory, constituted and appointed under the Seal of the said Henry Bishop of London, bearing date April 17. 1676. and in the first year of his Translation, and confirmed by the said Bishop in all and every of his Visitations, and the Fees paid for the same, and the same still is in force, and unrevok'd. Besides, though the Benefice of the said Leonards is so small, as aforesaid, yet the said Mr. Sewell provided to support the House, (which is large) and keep it up in tolerable Repair, and provided the learned and honest Gentleman Mr. Bridge of Alesford in Essex, to preach there once a month, and sometimes this Defendant, (though not above once in a year sometimes.) But the said Living being so poor and scandalous, and the Parish so lamentably abounding with Poor, above any other Parish in Colchester, this Defendant constantly paid to the relief of the Poor 2 s. per menssem; and also at every Sermon that Mr. Bridge aforesaid, or this Defendant did preach there, this Defendant also caused to be distributed Four and twenty Penny-loaves amongst the poorest sort, but after, since the said Bishop has given the interruption, the Poor has had the less Food for their Souls, (for the Church-doors have long been shut against the said Mr. Bridge, and this Defendant, wonderful care of the Cure of Souls) whereby also the Poor has been deprived of relief for their Bodies also; That's all the good that is, or is ever likely to be, by this peevish stop:

The Profits of the Rectory	l. s. d.	
Out of which,	07 00 00	
The Kings Tenth, Pension, Bishops Visitation, Synodals and Procurations, about	02 00 00	per Annum.
To the Poor, assailed, and freely given	02 10 00	
For preaching 13 Sermons, to Mr. Bridge per Annum, at 5 s. per Serm.	03 05 00	

But the Profits, the said Mr. Sewell does yet receive, as he hopes he lawfully may by the Authority of the said Bishop unrevok'd to this day, and not worth the contending for: For no man can get a Penny by it, and seldom comes a better; but (no matter how soon) the same is revok'd, that the great advantage the poor People gets by this baffle and change may be seen: For it is a shame that the Bishop should provide worse for them, and make a baffle, only to do harm; and if he do provide better, then the said Promoter and Bishop must part with money (probably) out of his own Pocket thereunto, which this Defendant fears will not be done.

Sixthly, The Vicaridge of *Fingringhoe* is void by the Statute, 26 H. 8. 3. by reason the said *Samuel Harris* Clerk (in the third Article mentioned) (being Instituted and Inducted in or about the month of December last past, yet) has not paid the King's Tenth's to the value (with Charges thereupon in the Exchequer) of 30 or 40 l. now due, and refused to be paid, (or neglected by the said Bishop to be demanded of him personally) or if demanded lawfully, then the said Vicaridge is void, and ought to be so declared, and the Right of Patronage or Advowson being in this Defendant, together with the great Tythes and Impropriation of *Fingringhoe* aforesaid, the Custody of the Profits of the said Vicaridge does belong (during the Vacancy) to this Defendant the Patron, (as this Defendant humbly conceives by force of the Statutes 25 Edw. 3. and 35 Edw. 1. 1.) But if disputable be this Defendants Title to the same, yet neither this Court, nor any Ecclesiastical Court can hold Plea thereof. nor of any matter whereof the King's Courts have Right of Jurisdiction, 2 Edw. 6. 13. nor can determine the Titles and Rights of Freehold (as 25 Edw. 3. 4. 28 Edw. 3. 3. 17 (alias) 16 Car. 1. 11.) aforesaid.

Besides, the said *Harris* never was *Resident* so much as one night in the said Parish of *Fingringhoe*, since his first Induction to the said Vicaridge thereof, but preach'd three or four times to the Parishioners, *got half a years Tythes*, and never came in the said Parish (*not once*) since June last, but *hired out himself* (a Curate in London) under Dr. Grove to this day; so that the Defendants said Parish (of which he is Patron) is miserably abus'd, the Cure deserted, the Flock neglected, the Fleece only expected, and neither His Majesties Tenth's paid, nor the Vicaridge disburthen'd thereof; for the payment of which Tenth's to His Majesty, this Defendant desires this Court, to sequester the Profits, and better provide for the Cure, both which the Bishop of London, the said Promoter, neglects to do; so that great harm, but no good, is done by this Interruption, and *Fingringhoe* has also cause to say, *Seldom comes a better*.

Nor is it any great additional Honour to the *Pastoral Staff*, (that pretends a whole Diocess to be its Flock, Cure and Charge, even of *All the Souls* therein, (a pretty great burden and weighs for a single shoulder) that not satisfied to be *well paid* for *sitting still*, must be doing and meddling, though it had much better do nothing, than do mischief and harm.

'Tis well the Archbishop is the Bishop of Bishops; and as much superior and elevated above the common or ordinary Bishop, as a Bishop above the little Presbyters.

And 'tis proper, in this Case, to let the Archbishop know (that he may take notice and correct) the neglect of the said Promoter, the said Bishop of London, in neglecting to collect His Majesties Arrearages of the Tenth's (aforesaid) due from the said *Harris*, the said little Vicar of *Fingringhoe*; and his sin of omission, in neglecting personally to demand the said great Arrearages (of Tenth's) of the said *Harris*, when he has (as he has frequently) met with him; or, upon refusal, and non-payment, to have declared the said Vicaridge, *ipso facto*, void of the said Incumbent, as if he was dead, as is enjoined by and in the said Statute 23 H. 8.

That so the Patron might present a better man, and the neglect of His Majesties said Revenue be no longer comm'd and wink'd at; nor the Cure of Souls in *Fingringhoe* aforesaid be so neglected and abandoned, and much worse provided for by the said Bishop the Promoter, in this Case, than ever.

Whil'st there is none to Administer the Holy Sacraments there, nor to Baptize or Catechize their Children, Bury the Dead, Read Divine Service, nay, nor so much as a Sermon read by the said Curate *Harris*, or rather Reader, (for he can do nothing else but read) whil'st the honest Parishioners have cause to bewail these Contrivances, and bemoan the fruits of (this) Discord, that whil'st the said Promoter intended to strike this Defendant, he mist his blow, and hit none but the harmless Parishioners, who (good men) pay for all, and All for nothing.

For though the said *Harris* has let out himself to work (a kind of Journey-work) under the said Dr. Grove, yet he has not quite so forgot his Parishioners, but that he has most *magisterially commanded* them to send him money for half a years Tythes, or else he has threatened them that he will---Ay, that he will---

'Tis meet, that this Court of Arches, or Archbishop, (if it can do any thing) that it should correct the faults of Bishops: We must even turn the Tables---

Nor will any Body pity those busie Medlers and Master-workmen, that cannot be content to oversee the Labourers hard at work, and well wrought and employed, but they must be placing and displacing stones in the Building, and set them a tumbling and rowling, till they fall upon their own Pates---

Nay, --- no matter; Harm watch, Harm catch.

So that the 2, 3, 4 and 5th Articles are already answer'd by Statute Law, and so shall all the rest, besides what has been already pleaded and professed, together with another Law, (that has no Law) Necessity: Therefore

C H A P. X.

7thly, **A**S to the 6, 7, and 8 Articles, or last Articles, they urge a Transgression, (in solemnizing, or rather prophaning Matrimony) (well-worded, and cunningly) but if the Register and Sir Thomas Exton had had eight shillings for every Marriage, as they have had for many years together above 40 l. of this Defendant upon that Score, and at that Rate; then *bonas noches*, and not a word of (prophaning) Matrimony without Banes or Licence, contrary to the Canons and Constitutions of the Church of England.

Alas! Poor Church of England! Thou must be made a Skreen, a Pretence, and a Colour for Mens Avarice: Oh Hypocrisie!

To which this Defendant answereth particularly, and saith,

First, That this Charge against him is in its self null and void in Law, Reason, Equity and Conscience, for the uncertainty, in not naming what particular Canons and Constitutions of the Church of England are thereby transgressed, since the Canons

Canons and Constitutions of the Church of *England* (that go under that Name, Colour and Title) are *contrary to one another* in many Particulars, too long here to recite.

But in this particular Case of solemnizing Matrimony without Banes or Licence, the Canons or Constitutions that go under the name of *Queen Elizabeth*, and *King James*, in Print, are *vastly different* one from the other; *Queen Elizabeth's* Canons and Injunctions ordaining for such Offence a Suspension (*ab officio* onely, and so particularly exprest) onely for the space of *six months*.

But those under the names of *King James*, ordain for the like Offence a Suspension for *three (long) years*; a long time for a painful and laborious Minister to live with his mouth stop't, and upon such an occasion too, that not one word is said to it, nor any body aggrieved; If the said Registers and Commissaries go but *snaps* in the (*pretended*) Licence, and have a feeling in the hand.

Which makes it more than probable, that those said Canons and Constitutions of the Church of *England* are *not truly Printed*; nor is any man bound to take notice of them, except they be Recorded in a Court of Record, and a true Copy be produced in such Court, (and particularly in this Court upon this Suit, and this occasion) and the Truth thereof sworn upon Oath of good and creable Witnesses, which this Defendant does hereby require in this Case and Suit, according to the Rules and Methods of Law and Justice, Reason and Equity.

Besides, the said (*pretended*) Canon of *King James*, ordaining Suspension in general, ought by the Rules of the Civil Law, Reason and Common Law, be taken in the mildest sense:

For there being two kind of Suspensions, namely, 1. *Ab Officio*. 2. *A Beneficio*. The first only damages the Flock and Parish: The second also starves the poor Priest and all his Family; oh Cruelty! for a Peccadillo, when no man is damaged thereby, but a greedy Register and Commissary, (they that buy must sell) and if their mouths be but stop't with Guinees, the Minister's shall never be stop't; the Fault's alledged against this Defendant for solemnizing, or rather prophaning Matrimony without Banes---being only in the years 1680 and 1681. when he took but about 5 s. for the same, (the People being the gainers thereby;) but when this Defendant married ten times more in the years 1674, 1675, 1676, 1677, 1678, and 1679. and made the People pay for a pretended Licence and Marriage, about 12 s. or 13 s. of which, each the said Registers and Commissary had 8 s. apiece: Then, (oh no!) Then; not a word to be said, nor any Promoters heard of against him.

But after the writing the Naked Truth, that tells them roundly of their crying Extortions and Oppressions of the King's Subjects, in illegal (Fees, or rather) Exactions, in Probates, of Wills, Letters of Administrations, Ordinations, Institutions, Inductions, Visitations, Synodals, Procurations, Excommunications, and Absolutions: (in answer whereof neither they, nor one Fullwood their Doughty-Champion, has so much as one word to say in their Defence) Then nothing will serve but Ruine and Desolation, in Plots and Contrivances against the Author for Barrettry, and No body knows what. And now too, have at his Rectory, and the Profits thereof, (which he holds by the Law of the Land, and will hold, in spite of their teeth and malice.)

For if such solemnizing Matrimony were prov'd upon him in a lawful Court and Judicature, and against lawful Canons and Constitutions found upon Record; and in a Court of Record, (but this Court (if it be a Court) is no Court of Record) and a true Copy thereof here produced and testified:

And also if it be prov'd that such Canons and Constitutions (so contrary to one another) are (or which of them are) now in force in these days, that the 1 Eliz. 1. (by which they had enargie, life and power) is defeated; and also by the said 16 Car. 1. 11. and 13 Car. 2. 12.

Yet, even then the malice of this Defendants Adversaries cannot reach his Rectory and the Profits thereof (as *Thomas Doughty* threatens in the eighth and last Article:) for, not only the Injunctions of *Queen Elizabeth* ordains Suspension (only) *ab officio*, but that Suspension (in general terms) in the pretend-

ed Canon of King James, ought to be construed (the same with that of Queen Elizabeth, namely) *Suspension (only ab officio, or silencing, or stopping the mouth, a mighty Priviledg :) not Suspension, a beneficio, because of the said Maxim of the Civil-Law, Common-Law, Mercy, Reason, Equity and Conscience--namely, Pœna (generaliter expressa) semper debent intelligi in mitiori sensu; punishments (only) in general terms exprest, ought always to be taken in the mildest sense.*

Oh! but the said Promoter Thomas Doughty in this last Article cannot afford so much clemency; (it is a pity therefore he should ever be called *vestra clementia*, or his Grace) mercy is (an Herb) rarely found in the Fields of an Informer or Promoter--Solomon tells us--The mercies of the wicked are cruelty.

However, whatever may be prov'd against him in this mighty case, he doubts not but to keep his Free-holds, Lands and Tenements, both spiritual and temporal, which (blessed be God) are worth the gaping for; and let them gape, they may gape long enough before they stop their mouths with them; 'tis to be hoped, their mouths will be stop't with mould (first) in the grave, before they ruin a Man and his House; a Man and his Family; a Man and his dear Wife and seven lusty Children; (God bless them and keep them out of harms-way, secure under the Protection of the Law, against all Conspirators, against this Defendant, or them, and against all Man-Catchers, little and great: we live in jolly times, God keep us.)

Nothing of
this was put
in the De-
fendants
Answer,
but is ad-
ded de No-
vo.

Which brings to mind, the Caveats entred by Sir Mathew Hale, (that incomparable Lord Chief-Justice) against and for himself, necessary to be continually had in remembrance, by all Judges Temporal and Spiritual, and proper enough it is here to Insert one half, or nine of them.

1. That I never engage my self in the beginning of any Cause, but reserve my self unprejudic'd 'till the whole be heard.
2. That I be not too rigid in matters purely conscientious, where all the harm is diversity of Judgment.
3. That I be not byass'd with compassion to the Poor, or favour to the Rich, in point of Justice.
4. That Popular, or Court-Appianse, or Distaste, have no Influence into any thing I do, in point of distribution of Justice.
5. Not to be solicitous what men will say or think, so long as I keep my self exactly according to the Rules of Justice.
6. If in Criminals it be a measuring cast, (mark that) to incline to Mercy and Acquittal.
7. In Criminals that consist meerly in words, when no more harm ensues, moderation is no Injustice.
8. To abhor all private solicitations, of what kind soever, and by whomsoever, in matters Depending.
9. To charge my Servants,
 1. Not to Interpose in any business whatsoever.
 2. Not to take more than their known Fees.
 3. Not to give any undue Precedence to Causes.
 4. Not to recommend Counsel---

Ay, Ay, here was (I had almost said) a *None-such*, seldom comes a better; nay, nay, seldom such another.

Again, to our present matter in hand, and the Article aforesaid, of transgressing the Canons and Constitutions of the Church of England.

The Article does not say what Canons, whether Canons made before the Reformation, or since; whether Canons made when the Pope was Head of the Church of England, or Canons made since the Kings of England were declared, by Acts of Parliament, the Heads, or Head of the Church of England.

So that, this Defendant cannot possibly know how particularly to answer the same, or know whether to confess, traverse or deny; so that this Defendant therefore requires that it may be explain'd and particulariz'd, by the Promoter, or Promoters, what Canons and Constitutions they mean or would be at, and where such Canons and Constitutions of the Church of England are to be found, and in what Court of Record, that this Defendant may give a more positive and particular Answer thereunto; for *dolus latet in universalibus*.

Secondly,

Secondly, Besides what is already said at large, as to the Uncertainty, (which is enough to *quash* the said Articles at least for the present, if it were needful.)

This Defendant *further answereth*, and saith, That he humbly *denies* the force, strength and vertue of all *Canons* and Constitutions (vulgarly called) of the Church of England, that are *not Confirmed* by King and Parliament, the *only Legislators* and Law-makers in this Realm of *England*:

Which, if any deny to be true, 'tis like he may have an answer in Parliament, if thought fit.

But if it be true, and that no *Canons* and Constitutions of the Church of England are allowed or confirmed, to be obligatory Laws to an Englishman, as in 13 Car. 2. 12. & 16 Car. 1. 11. then there's an end of the Story, and this *Traverse* is further *needless*.

But if this Court denies, That the King and Parliament are the *only Legislators*, then this Defendant desires they would so declare and express themselves; that so this Defendant, and all others, may know the *limits* of their obedience:

For this Defendant *hereby protests*, That if he ever *shall*, or ever *did* transgress the known Laws of England, or the dark and disputable Laws of England, it was through error of his judgment, and not of his will; and therefore he desires this Court to inform and *inlighten* him, and set him to rights; if he err; or, if they can do it.

For it is not safe to say of that Act of Parliament, 13 Car. 2. 12. of not allowing or confirming the *Canons* of --- 40, commonly called the *Lambeth Canons*, and all other *Canons* and Constitutions *not confirmed* by Act of Parliament, &c. that they signify nothing, and are inserted *idly*, and for no end and purpose;

Which those seem to assert and imply, that say, those words of *not confirming* the *Canons*, or *not allowing* are *not disallowing*; nor any remarque or neglecting Character thereby set upon them,

For the *Canons* had been left in *statu quo prius*, (as all other things were not mentioned in the said Act) although not one word concerning them had been therein mentioned.

In all Grammatical Construction (then) the *Not-confirming* the *Lambeth Canons*, or *Canons* of 40, &c. That *Not-allowing*, is a *disallowing* (as plain as the Times (perhaps) would then bear) And all those words in the said Act signify the *distaste* and neglect the King and Parliament had of all *Canons* not confirmed by Act of Parliament, and then all those words concerning the same signify something, and not, nothing.

Especially, leaving things as they were in the year 1639. when the High-Commission Court was up; and 1 Eliz. 1. in force, which is absolutely repealed by the same Statute; And if any man thought that some had got (by that 13 Car. 2. 12.) an Act for their Turn, as was endeavor'd, they were vilely mistaken, or out-witted; at least, it was all that would (even then) be done for them; which latter is most probable, because of that fatal mistake in repealing 17 Car. 1. And there never was such an Act in the world, nor any made in that year, that this Defendant can find; so lasting were the deep and bloody Prints of the High Commission (even yet) in Parliament-mens heads.

And this, many took notice of long ago, if they had thought it meet and opportune to take notice of it; it might have been amended, and may yet by an Act of Parliament, otherwise, it is to be feared, that the mistake is fatal; And the 16 Car. 1. 11. be in force, and not possible to be repealed by the repeal of the 17 Car. 1. Then good-night, Nicholas, and there's an end of the Story; and a Commissary, Official or Register's place, is not worth the buying; no, nor that, of a poor Proctor of this Court of Arches, which use to cost about 40 l. though the same man be a Proctor in any other Spiritual-Court; yet he cannot practice in this Court, without laying down the Cash, (I mean) down with their Dust, Gold Dust, or Guinees, Money, more Money.

Which (perhaps) is the reason, why the Proctors are suffered to take ten groats for a Fee, that used to be (by the stile of this Court) but

proportionably, *all other Fees* abominably enhanc'd; *wherever the fault lies*, they *that buy must sell*, or else, they have a bad bargain.

The Fees of an Excommunication and Absolution used to be but but
 now they are (this Defendant *knows*, to his cost, and by woful experience, a
 This also is added, de novo. Guiney) but note by the way, the said Bishops Vice-Register, *Nucourt*, is Ar-
 rested in an *Indebitatus-assumpsit*, and will also have an Indictment, or Informa-
 tion, brought against him for the *Extortion*, at the *Suit of this Defendant*, who
 is vilely loth to be chous'd of his Money, and by a pitiful Proctor and Vice-Regi-
 ster too.

So that, by this time, this Defendant *is come a great way* towards the final
 Answer of these Articles (in this Spiritual-Court) if there were 1000 more of
 them: especially in a Court that will *neither shew*, (nor pretend to sit by a)
 Commission from the King.

In whom alone, is always inhærent all Executive-power, both Ecclesiastical and
 Temporal.

But our gracious Sovereign, (not only in his last Declaration, but always)
 has declared, That he will rule us according to His Oath and the Fundamental Laws,
 made by the only Legislative-power, the King and Parliament.

And the Kings of England always have been of right, and always were (except
 during the Pope's Supremacy) equally Heads, or Head of the Church, as well as of
 the State; (if they be two things.)

And has right to make Laws for the regulating the Church or State-Ecclesiastical,
 and as much as, for Regulating the State-Temporal.

And far be it from the modesty of this Defendant to pry into the Cover'd Ark, and
 search into the Prerogative of His gracious Majesty, (the Kingdoms glory as well
 as support, both for his Mercy and Justice, our dear and dread Sovereign, and ou-
 ly Head of the Church and State) which Prerogative His Majesty, and his Fa-
 ther of blessed Memory, our late Martyr'd Sovereign, have explain'd to consist
 (not only well, but) best with their Peoples Liberties and Properties; making a
 sweet Harmony, and enriching both King and People; as Queen Elizabeth
 found, that never had an Exchequer sooner emptied than filled, though her Wars,
 and Enemies were Great and Powerful: She sometimes forgave and remitted what
 was given her by her Subjects in Parliament, but never made a Speech or Motion
 for Money, that prov'd successless.

Of which, this Defendant had (not now and here) taken notice of, further
 than to shew (in this his Defence) in reference to the Church, and the preten-
 ded Canons and Constitutions of the same, that the said Queen never made any
 Canons, (neither did King James make any Canons or Constitutions for the
 Church or its Regulation) until her Majesty, and consequently his Majesty King
 James had (by 1 Eliz. 1. and in that Statute) given unto her, and them, her
 Heirs and Successors, Power to Amend, Reform, &c.

And, no more then needed at that time, when the Clergy in Convocation ac-
 knowledged (and surely they knew their own strength, as well and much better than
 any can do at this distance) and confest in the Statute, 1 Mar. 2. that they had
 no Ecclesiastical Jurisdiction, and therefore not Queen Mary, but she in Parlia-
 ment, by 1 Mar. 2. restor'd it; (namely the old Popish Ecclesiastical Jurisdic-
 tion) until 1 Eliz. 1. Repeal'd it, and in its room gave Power to the Queen to
 set up another; which, 16 Car. 1. 11. and 13 Car. 2. 12. pull'd down and Repeal'd.

Nay, 'tis evident in *Cawdrey's-Case*, (in *Cookes Reports*,) that the Jury were
 forc'd to find the said High-Commission specially (and so must other Juries do
 (as well) if ever the right of the Spiritual-Courts in Sequestrations, Suspendi-
 ons, Deprivations, in meddling with mens Carnal Goods and Free-holds, comes
 to be tryed in the King-Courts by a Jury (if they can at this time a day) find
 such a High-Commission, which will be a difficult thing to persuade a Jury un-
 to,) except such Suspension, or Sequestration, or Deprivation be supported by
 that which can only support them, viz. a Statute.

But they should not need to have found the said High-Commission specially,
 if Ecclesiastical-Courts then had (or consequently have) an ordinary Jurisdi-
 ction

tion without special Commission from the King, *only and equally* the Head of the Church and State.

But no Temporal-Courts (or Judges) do or dare Act implicitly, but by special Patents, (or Commissions under Seal: (for as for *Hundred-Courts*, they belong to Proprietors; but all derived originally by Patents from the Crown, as *Shiriff-Courts* and *Corporation-Courts*.)

And besides, from these Inferior Courts, or *Common-Law-Courts*, as are the *Hundred-Courts*; they sit in the *Hundred* by Prescription; where the Bishops also used to sit and keep their Courts together, and at the same time and place; which if they do not now so, they cannot plead to hold Courts by Prescription, except they (as does (to this day) the *Hundred-Courts* and *County-Courts*) keep up, and keep to their Prescriptions, as to place and time, Canons and Laws.

Therefore away with all idle thoughts of making the Spiritual-Courts, Ordinary, or *Common-Law-Courts*; this Court it self, (the Supreme of all the Spiritual-Courts) cannot prescribe for sitting here in *Dofors-Commons* beyond the memory of man, for it used to be kept in the *Archies of Bow Church*, whence it had its name, (but now most improperly,) except it sit by special Commission from his Majesty, and be so styled in the Commission.

And if the Arch-Bishop have such Patent from the King to keep Courts of *Judicature-Ecclesiastical*, as have the Judges in *W. Minister-Hall* for keeping *Courts-Temporal*, this Defendant desires this Court then *so to Declare it*, that he may the better know how to demean himself with all humility and submission thereunto.

But this Defendant has taken the Oath of Supremacy, and dare not own any other Head of the Church or Ecclesiastical Judicature, but what is derived from Him, in whom alone is inherent all the Executive power in Church and State;

And from Him imparted and derived to the Judges under Him.

Nay, when His Majesty has derived such power to His Judges, yet they cannot make a Deputy, if they be sick, nor an Official or Surrogate.

Indeed sometimes a Serjeant at Law is surrogated, (in the room of one of the 12 Judges, sick, dead, or otherwise avocated) and goes the Circuit; but this must be done by special Commission, and his Name specially inserted and mentioned therein, no Judge can make such a Surrogate or Deputy;

Besides, it is but onely *pro eo vice*, for that turn only.

And though an Archbishop (with his Archbishoprick) and Bishop (with his Bishoprick) (if constituted according to Law) have all Priviledges also annexed anciently, and of right belonging thereunto by Prescription, or otherwise: yet a Right by Prescription and Custom, or Common Law, is lost, when the Custom surceases, and other new Customs innovated; for Customs ought to be certain, uninterrupted and continual, both as to time, place, &c.

Thus a Court-leet may be lost and forfeited for want of Use, according to the ancient Usage; and, perhaps, this is (also) part of the Case.

Thirdly, To solemnize Matrimony without Banns first published three several Sundays or Holy-days in time of Divine Service, in the Parish or Parishes where the Parties inhabit, is an Offence against Statute-Law onely, namely, the Rubrick before the Order of Matrimony in the *Common-Prayer Book*, every Sentence whereof is Statute-Law in the Act of Uniformity,

Which if true, then this Court is no competent Interpreter nor Judge of Statute Law, nor of the nature of the offences against the same, nor of the quality and degree of the punishment of such offences.

And though all Englishmen are bound to obey the same to a Tittle, yet scarce any Englishman, Bishop, Priest or Lay-man, but does offend and transgress the same little or much, and are all Nonconformists, and accordingly are all liable to be Indicted, and have Presentments made against them for Nonconformity, according to the said Statute of Uniformity, and as Sinners and Transgressors of the same.

Yet some of the Rules (in the Rubrick) and the Transgressions thereof, were thought so small and such little Peccadillo's, that the Legislators or Law-makers did not think fit to annex (and assert) any Punishment to and for the same; As for Example:

It is enjoined in the Rubrick to read the Communion Service at the *Communion Table*, yet not One of a Thousand obeys, except in *Cathedrals*, &c. (and there also the Act of *Uniformity* is as much, or more transgress'd, than in any Countrey-Church in *England*, (that this Defendant knows of) as shall be proved infallibly by and by.

But if all Ministers obey the Act of *Uniformity* aforesaid, in reading the Communion Service at the Communion Table in the Chancel, *in many Churches, if not in all Churches*, not one of an hundred could possibly at that distance, and in the *hollow* and obscured *Chancel*, hear the same, or be more edified, than if (*in Latine*) was read the said Communion Service or *Mass*; (*for so is our English Communion Service said to be commonly known and called (the Mass)* in the Common-Prayer Book; put out by the Reformers, (who in composing and translating the said English Common-Prayer Book) are (by the Act of Parliament in 2 *Edw. 6.* Reign made for the common Use and general Practice thereof throughout the Realm) said to be *inspired* thereunto by the *Holy Ghost*).

But (here is the unsuitableness betwixt our Times, and those Times) they (like the Primitive Christians, *Acts 2.*) took the blessed Sacrament (in *Cathedrals*) *every day*; and in all Countrey-Churches, *on every Sunday and Holy-day, Wednesdays and Fridays*, (on which days onely the Communion Service was to be read) nor was it wholly read, but when the Holy Sacrament was administered; (which was usually every Sunday and Holyday, in Country Churches and in *Cathedrals* every day) and then read after the Letany; and when the Letany was read, then (and not till then) the Priest put on the Surplice, or *Albe* and *Cope*.

And though no man is enjoined by that Act of *Uniformity* and Common-Prayer Book, to receive the blessed Sacrament above once a year, yet the *Housholds* in the Parish (the Rubrick says) were so order'd, that one at least (*as his turn came*) always communicated with the Priest, *one or other*, every Sunday or Holy-day, at the Altar, where the Priest stood, whil't he read the Communion Service in the Chancel, and might well enough be heard by the Communicants, who all were in the Chancel.

This is to shew, there is not the same reason now adays (when the Holy Communion is so seldom celebrated, no, not in *Cathedrals*) as it was wont, when the Rubrick (of King *Edw. 6.*) enjoined the Communion Service to be read at the Altar; for so is the Communion Table there stiled, in that Book, said by Statute Law, to be composed, translated or made by the Inspiration of the Holy Ghost, as aforesaid.

Again, To give another Example of the constant and wilful transgression of the Act of *Uniformity*, by the *Bishops and Clergy especially*:

Namely, In the Rubrick before the order of Morning Prayer, we find these words--namely--*And here is to be noted, That such Ornaments of the Church and of the Ministers thereof at all times of their Ministration, shall be retained and be in use, (mark that) as were in this Church of England by Authority of Parliament, in the second year of the Reign of King Edward VI.*

Now the great Question will be, *What Ornaments they were that were in use in the Reign of King Edward the sixth?*

A question that (I hope) few Countrey or City Clergy-men of ordinary Rank, know how to answer; for it is to be hoped that they shun through ignorance, and not through stubbornness, and contempt of the Act of *Uniformity*; and are rather ignorant *Nonconformists*, than wilful *Nonconformists*, in using other Rites and Ceremonies, and other Ornaments, at all times of their Ministration, than what were in use in the time of the 2d of *Edward* the sixth, enjoined by Act of Parliament. For in the Rubrick in the Communion Service made in the said 2d of *Edward* the sixth, after the Title, (which is in these very words) *---The Supper of the Lord, and the Holy Communion, commonly called the MASSE.*

We have this Commandment, namely, "Upon the day, and at the time appointed for the ministration of the Holy Communion, the Priest that shall execute the Holy Ministry, shall put upon him the Vesture appointed for
" that

that Ministration, that is to say, *A white Albe plain*, with a Vestment or Cope : And where there be many Priests or Deacons, there so many shall be ready to help the Priest in the Ministration, as shall be requisite ; And shall have upon them likewise the Vestures appointed for their Ministry, that is to say, *Albes with Tunicles*.

And (to make the matter plainer) in the Act for the Uniformity of Common-Prayer and Service in the Church, and Administration of the Sacraments, 1 Eliz.

It is enacted, That every manner of Parson, Vicar, or other whatsoever Minister that ought or should sing or say Common-Prayer, mentioned in the said Book, or minister the Sacraments, &c. shall minister the same in such order and form (mark that) as they be mentioned and set forth in the said Book.

Or shall wilfully or obstinately standing in the same (which I hope they will not hereafter venture to do) use any other (mark that) Rite, Ceremony, Order, Form or Celebrating the Lord's Supper, openly or privily, or Mattins, Evensong, Administration of the Sacraments, or other open Prayers, than is mentioned and set forth in the said Book.

The Penalties for the first Offence, The profit (of the Benefice, Benefices, and all the Spiritual Benefits and Promotions, the Offender hath (for one Year next after conviction) is thereby forfeited and gone ; together with six Months Imprisonment without Bail or Mainprize.

For the second Offence, Deprivation *ipso facto* of all the Spiritual Promotions, and one whole Years Imprisonment ; and that it shall be lawful for all Patrons and Donors, &c. to present or collate to the same, as if the Offenders were really dead.

And for the third Offence, Deprivation (as aforesaid) and Imprisonment during Life.

And if the Offender be not beneficed or promoted, for the first Offence, Imprisonment for one year without Bayl.

And for the second Offence, Imprisonment during Life.

So 14 Car. II, there is an Act of Uniformity, that (to the same effect) enjoyns no other Rite, Ceremony, Form or Order of Common-Prayer, Ornaments, &c.

This is mentioned to humble the rigid Conformist, that he do not plume himself and be exalted above measure over other Nonconformists, without any Mercy or Compassion to human Nature, human Frailty, human Error and human Kind ; lest he himself by the next Grand Jury be presented, and found guilty of using other Rites and Ceremonies, than what are enjoyned in the Act of Uniformity and Common-Prayer-Book of King Edward VI, or this Common-Prayer-Book ;

And consequently, get a Prison on his back, the same Prison whereinto he has so often endeavoured to put other Nonconformists ; and for the same Sin too of Nonconformity, and Transgression of the same Act of Uniformity, that he has so extoll'd and cry'd up.

For to bow towards the Altar, to bow at the Holy Name of Jesus, to force the Inferiour Clergy, except in Cathedrals, to wear the Surplice, or to wear the Hood, during the Ministration of Baptism, Burial, Morning-Prayer, Letany, or Evensong, are other Rites and Ceremonies, and other Ornaments, than were (forced on) the Clergy to use in 2 Edw. 6th, as aforesaid.

Indeed, upon the day and at the time (and only at the time) of Ministration of the Lord's Supper, the Priest was enjoyned to put on the Albe, or Surplice and Cope.

But not till the Letany was read, and just before he began to read the Common-Service, and administer the Communion at the Altar ; for, so says the Rubrick, in the said Communion-Service in the Common-Prayer-Book of 2 Edw. 6th, (just after the Prayer for fair Weather) in these Words :

And tho there be none to communicate with the Priest, yet these days (namely, Wednesdays and Fridays, afore-named in the said Rubrick) after the Letany ended, the Priest shall put upon him a plain Albe or Surplice, with a Cope, and say all things at the Altar, appointed to be said at the Celebration of the Lord's Supper, until after the Offertory.

So that all are Nonconformists, and liable to Indictments, and loss of their Liberty, as well as loss of their Livings, that pray before or after Sermon, in other Form or Order, than is set down in the Common-Prayer-Book.

And all that force the Country or City Ministers (except in Cathedrals) to wear the Surplice during Mattens, or Morning-Prayer, Betany, Baptism, Burial, Even-song, or Evening-Prayer.

And all that bow towards the Altar, and set great Candles thereon; and all that bow at the Name of Jesus. And all that wear, or force Men to wear Hoods at any time (except Sermon-time) whether Scarlet, Black, Lamb-skin, or Taffety, according to their degree, except in Cathedrals, they may if they please; only it is seemly so to do in Sermon-time; but for that, it ought to be left to every Man's Liberty: For so says the Rubrick of the second Common-Prayer Book, which I confess seems strangely worded, in these very Words:

'In the saying or singing of Mattens and Even-song, Baptizing, and Burying, the Ministers in Parish-Churches and Chappels annexed to the same, shall (I suppose it should have been printed—may) use a Surplices, and in all Cathedral-Churches, and Colledges, the Arch-Deacons, Deans, Provosts, Masters, Prebendaries, and Fellows, being Graduates, may (here it is may, not shall) use in the Quire, besides their Surplices, such Hoods, as pertaineth to their several degrees, which they have taken in any University within this Realm. But in all other places (mark that) every Minister shall be at Liberty to use any Surplice, or no.

It is also seemly that Graduates when they do preach (mark that) should use such Hoods as pertaineth to their several Degrees. So that to wear the Surplice or no, is left to every Man's Liberty, (even in Cathedrals) especially, in all other places.

Hoods according to the degree (not in time of Divine-Service, as in many Cities and Country-places, worn, not for want of Ignorance, but) only may be worn in preaching the Sermon, (upon the Knowledge of a Man's Degree and Quality, may recommend the Sermon possibly, and possibly not) the Hood is commended, not commanded to be worn, but the reason ceases in reading Divine-Service, and Administering Sacraments, or reading of Homilies (which are the works of the Law, not our own works) and are not (nor need to be) recommended by the Dignity of the Reader, or Administrator; and therefore Hoods (worn at any time, except Sermon-time) and Surplices forc'd upon Mens backs in reading Mattens, Even-song, Baptizings, or Burials, whether they will or no, and not leaving Men at Liberty, is [enjoining] other Rites and Ceremonies than what the Law enjoyns, as wel lashing at the Name of Jesus, and bowing towards the Altar; a place, which some Men never pass by, but they bow; they ought to lose their Spiritual Promotions for such Superstition; and good reason, for it is either Folly, or (worse) Popish Superstition. For, if he that bows (still) as he goes by (or approaches) the Altar, does not fancy that there is somewhat extraordinary there (that exacts and requires this extraordinary Reverence) above other places, then he is a foolish Coxcomb, to beck and bow only to that place (above all other) for no reason, or for nothing. But if he doth believe there is something plac'd there, that requires this Reverence (as the Papists assert) who can excuse him from the belief of that Popish Doctrine of Transubstantiation? Also all are Nonconformists that administer the Sacrament without Copes on, and this makes all the Ministers in England Nonconformists: for no body wears Copes, and most wear Surplices, tho this Defendant has not worn one (except at Communion-times) for several Years by-past; And a Cope he would wear at such time only of celebrating the Lord's Supper, but he cannot get one, & necessitas vincit Legem.

And in this Instance he hath been the more copious, to show how little those Boanarges or Sons of Thunder do observe, how they thunder out their own Sentence and Condemnation; Out of thine own mouth will I judg thee, thou wicked Servant!

When nothing but Hell and Damnation, Goals and Excommunications, Fines and Confiscations, Suspensions and Deprivations, will serve their turns, for every little Breach of any Clause in the Rubrick, and where no harm ensues, nor loss, (but gain to the People) when they are perhaps married without Banes or Licence.

And for Men to say, that bowing at the Name of the Holy Jesus, our blessed Redeemer, is an harmless Ceremony, aggravates the Offence.

It is the Popish Excuse for all their multiplied Ceremonies, so many that their Religion is little else; or so miserably covered therewith, that Men can see little else.

To bow at the Name of God, or *Jehovah*, the greatest of all Names, is harmless; but it would be *endless* to do it, and there is no Scripture to vouch these Bowings at the Name of *JESUS*, or *GOD*, &c. as is (hitherto unanswerably) proved in the last page, save two, of the *Naked Truth*, the second Part.

To wear two or ten Surplices (especially in cold weather) together with an Hood about the Neck, are harmless, and the Hood keeps the Neck warm in Winter, but is *too hot* in all conscience in Summer-time; but if it were not too hot, nor yet too heavy; yet still they are *other Rites and Ceremonies* than are enjoined in the Act for Uniformity; and therefore *punishable and unlawful*.

And what can or dare these Rigid Conformists answer in their own defence, except cry *Pœccavi*, and confess their Ignorance?

Let us pray for them in our blessed Saviour's words, *Father, forgive them, they know not what they do!* For certainly the Law does not forgive them, but is clear against them; What can they say for themselves *why Judgment should not be given against them*, according to their celebrated Act of Uniformity?

And to say, the Canons enjoin some of these Ceremonies, much aggravates the Offence; *to play old Canons against the King and Parliament's new Acts and Statutes*, this is petulant and unpardonable; (I had almost said) They had more need petition for an *Act of Indemnity* to pardon all *Non-Conformists*, and to get for themselves Remission in the Crowd.

CHAP. XL

A Gain; The said Rubrick says, *None shall solemnize Matrimony without Banes.* But who observes it? *who obeys it?*

Do not *Commissaries, Officials, Archdeacons, Registers, Vice-Registers*, and all that Tribe grant Licences and Faculties, with a *non-obstante* to the Statute and Rubrick? But with what Forehead, and by what Authority?

If the Arch-Bishop of *Canterbury* or *York* should grant such Licences, or Indulgence, to dispence with the Statute, a little more might be said for it, if but a little. But for *these Fellows* to sell Indulgences and Dispensations to the Statute, where's the Modesty, or rather the Impudence? The very same Rubrick is in the Common-Prayer-Book of 2 *Edw. 6.* For the said Statute gives *no Privilege, no Exception, no Dispensation to any Man* to solemnize Matrimony without Banes, solemnly published three several Sundays or Holy-days, in time of Divine Service, where *there are Churches, and Divine Service said* in such Parishes where the Parties inhabit; otherwise, they cannot be married without breach of the said Act, or Rubrick; (except perhaps in that impediment) because *Necessitas vincit Legem*.

And truly Matrimony (tho not a Sacrament) yet is so serious a thing, so lasting when the Knot is once tied by a Priest, *ever lasting during Life*, that the Law could not safely have been made otherwise than by commanding such a solemn *previous Publication in open Church*, in the Parishes where the Parties inhabit, three several Sundays, or Holy-days.

And then there could be *no stolen Weddings*, nor Infants trepann'd into Marriage without the consent of their Parents and Governors. A *Caution* that even in the times of the late Usurpation was taken care for, when the Justices of Peace did the Jobb.

And for Registers and Surrogates, &c. to take upon them to take Bond of 100 l. is so small a Penalty, and the Bond so unwarrantable in Law, that it signifies just nothing; but to give a Man an Oath, in the case, is altogether illegal, and punishable. However it is *contrary to Law* in the said Rubrick: But what *shall be the Penalty?* The Judges (alone) shall determine, according to the *evil Circumstances* and evil Consequences thereof.

So that if this Defendant be guilty of solemnizing Matrimony *without Banes* first published, &c. he hopes he may pass *Scot-free in the Throng*, and amongst the crowd of *so many and great Nonconformists*.

But in this case, this Defendant has *more to say* in his Vindication, than all of them put together are able to say; namely,

In the next place, That this Defendant did never marry any *without Consent of*

Parents, or Governours, nor ever any within the prohibited degrees of Affinity, or Consanguinity, nor any who had a Suit depending thereon, or any the like Impediment, Inconvenience, evil Circumstance, or evil Consequence.

And moreover, To answer more particularly to the said Articles, that charge this Defendant for solemnizing Matrimony (as in the 7th Article) betwixt James Abel and Anne Burnham, John Shepberd and Damaris Gillings, all of the Parish of St. Leonard in Colchester; and also Ed. Hartley, of the Parish of St. Bottolphs, aforesaid; and Mary Groom of St. Leonard's aforesaid; and also D. Steeres of the Parish of St. Mary Magdalen in Colchester aforesaid; and An. Bloom of St. Leonard's aforesaid; and also R. Potter of Aldham in the County of Essex, and — Everet of the same. To which this Defendant particularly answereth, and saith, That all the aforesaid five Couples are poor People, that either live in Parishes where there is no Church, (but what is demolished) as are the Churches of St. Bottolph's, and St. Mary Magdalen aforesaid, and no Cure at all serv'd there, since the Siege of Colchester, or else no constant Cure served for the space of a month and more together, as at the time when the said Potter of Aldham, and Abel, and the rest of St. Leonard's were married, and consequently no Banes could be published in time of Divine Service, where there is no Divine Service: nor any Profits belonging to the Church of St. Bottolph's, or St. Mary Magdalen aforesaid, that ever he heard of. (if the Churches were standing) and so little to the Church of St. Leonard's as aforesaid, that they have had no Minister sometimes for two or three Years together, nor did any body regard it or take care of it, for two or three Years together, till Mr. Sewell aforesaid, took some care of it; and if he desert the same, they'll be just served as formerly, *Canis in Presepi*.

So that the said People (who told this Defendant they had not the gift of Continency) and therefore (Marriage being the only lawful remedy) they were loth to come together and lye together unmarried, and Money they had none to spare for a Licence, and (if they had) this Defendant had equally transgress'd the Statute, if he had marryed them (with any pretended Licence) except the Banes had been three times published, three several Sundays, or Holy-Days, in time of Divine-Service, which was impossible, & *necessitas vincit Legem*, as aforesaid.

And this Court had had this Answer sooner, but that this Defendant could not in safety or without Affronts approach your Courts, having been there but twice, and both times by your Clerks, Vassals and Rabble, without any regard or Reverence to his Quality, or the Dignity of his Function, assaulted, affronted and threaten'd.

And had he not accidentally, and (by good Providence) had a great number of Substantial Citizens (thither brought perhaps through Curiosity, (especially the first time) of his appearance, and followed him out of your Court) mischief (much mischief) might have been done.

Yet, even then, your Creatures, (unprovok'd) did with most insolent and opprobrious Language, and Threatnings, pursue this Defendant and the said Citizens, out of the Gates of Doctors-Commons, into the Street, and there shamefully rail'd and scolded, till we were out of hearing.

There are none of his Majesties Courts in England, but both for their own and his Majesties Honour, will not only keep the Peace, but a Decorum, and will protect those especially that they summon before them, from Affronts.

Nor are the King's Subjects obliged to appear in any Courts, that will not or cannot protect the Suiters from Jeopardy of their Lives, Limbs or Reputations. But to cite this Defendant to Doctors-Commons, and then to suffer (if not to countenance) your Vassals to abuse and affront him, is no great Argument for the upholding such a Society, but looks like a Trepan, (at least) it is most barbarous and unanswerable.

Which if you will not amend and secure him from the Affronts of your Creatures for the future, he does hereby protest that he does not think himself obliged to obey your Summons or Monitions to attend this Court, though he had no other Reason (but he has shewn many more) to the contrary. Nor does he think himself obliged to provide himself of a Life-Guard, to secure him from the Affronts of the Men of Doctors-Commons.

Nor

Nor did he at his first appearance *ſpeak Greek to affront the Doctors*, but to ſhew how ill it did become them to expect, that ſuch a Man as this Defendant, ſhould ſtand bare-headed before ſuch as they, that being Doctors of the Canon-Law, (much whereof was writ originally in Greek) they might well bluſh as red as their Scarlet-Gowns, to expect and command him to ſtand bare-headed before them, when the Complement is not due (from this Defendant) to their Maſter, the Arch-Biſhop, by the Canon-Law; which ordains that *Episcopus aliquo loco ſedens Presbyterum ſtare non patitur, (multo minus nudo Capite;) In Eccleſia autem & conſeſſu Presbyterorum ſublimior ſedeat; intra domum vero, Collegam ſe Presbyterorum eſſe cognoſcat.* A Biſhop (for they had no Arch-Biſhops in Africa (where the Canon was forg'd) in thoſe days) ſit he where he will, he ſhall not ſuffer a Preſbyter to ſtand before him, (much leſs then, one would think, bare-headed); yet in the Church the Biſhop ſhall have the uppermoſt Seat; but in a Houſe, he ought to know that he is but a Fellow and Companion of the Preſbyters, or *Hail fellow well met.*

It ſeems they begun to juſtle for Superiority and the Place in thoſe days, in ſpite of two Canon Laws more; which from a Man you do not love, you ſhall have in a Language you do not love;

ΟΙ ΒΑΡΒΑΡΟΙ ΤΗΣ ΕΘΝΩΝ ΚΥΡΕΥΟΥΣΙΝ ΑΥΤΩΝ, ΞΕΝΟΙ ΕΞ ΕΣΤΩΣ.
ΜΗΔΕΝ ΧΑΤΑΚΥΒΕΛΟΥΝΤΕΣ ΤΗΣ ΠΛΗΘΥΝΟΥΣ.

CHAP. XII.

IT was not therefore *Pride nor Arrogance* that moved this Defendant to answer you with his Head covered: for thoſe only are guilty of Arrogance that, like you, from this Defendant *arrogate that to your ſelves*, which is not due to you: But a true ſenſe of his Duty, his Quality and yours, as well as your Maſter's Quality, taught him this demeanour, which no Law makes in him a miſdemeanour.

To whom this Defendant is willingly ſubject in *licitis & honeſtis*, (only) and not in things unbecoming a Gentleman, a Clergy-man, and an Engliſh-man.

Laſtly, *One Blunder more* is yet behind (which this Defendant had almoſt forgot) namely, That when the ſaid Promoter Henry Biſhop of London ſeems to deſiſt, and give over the Promotion and Proſecution, in the end of the 7th Article, as being probably weary of the Preſerment, to which his Vice-Register, the ſaid Nuncourt, ſo ſawcily promoted him unto, without his Privy (as is conjectured); or perhaps weary of the Proſecution, fore-ſeeing the *Answers and Reasons* already here alleaged; But when this Defendant was in hopes the worſt had been paſt, then in the 8th Article up ſtarts Doughty (the old Promoter) again, and threatens; (what the ſaid Biſhop probably would have ſcorn'd to do;) for the ſaid Thomas Doughty recovering his place again (of which the ſaid Nuncourt had really deprived him) takes up the Gantlet again, and threatens to take from this Defendant his ſaid Rectory of All-Saints, a great Eye-ſore (it ſeems) to him, and that for three long Years, beſides coſts of Suit.

And indeed it is a Threat that does much better become ſuch a doughty Fellow, than a Reverend Divine, or Biſhop, who ought to endeavour that the Flock ſhould be fed, not ſtarv'd, and to encourage the painful Labourers (that bear the Burden and ſweat of the Day) and not ſuſpend, ſtop their Mouths, or Handcuff them; but to remember that what Power he has, ſhould be employed to the utmoſt for Edification and not for Deſtruction, to do all the Good he can, not all the Miſchief he can.

Or if he will be puniſhing, Punish the Drones, the idle and ignorant Clergy-Men; the Whoremasters, the Drunkards, the Swearers, and blaſphemers of God's Holy Name. Or (if that will not be) at leaſt to begin at home, and puniſh the vile Extortions and Oppreſſions of his Registers, Vice-Registers, &c. in exacting illegal Fees, in Probates, Letters of Adminiſtrations, Inſtitutions, Inductions, Ordinations, Excommunications, Diſpenſations Abſolutions, Viſitations, &c. to the great and groaning Oppreſſion of his Maſteſties Subjects.

Eſpecially, to find other Work, than ſuſpending this Defendant from his Rectory of All-Saints in Colcheſter, of all Places; where the chief Men (at leaſt, nay, and the chief Women too) as well as the Generality of the People by their Confluence to the

said Church of *All-Saints*, should seem to give him but little Thanks for his great Pains therein. No more Thanks to him than to his Court, that has kept this Defendant two Lord's-Days together, from his Ministerial Function there, only to attend your Motions; *This good you do!*

If therefore the said *Doughty* be not Promoter in this Cause, then the said Rectory of *All-Saints* is not in jeopardy, and the proofs of Witnesses are not directed, and taken in order thereunto, and consequently the eighth Article (at least) is null and void, as being in *Doughty's* name, and at his Promotion, and yet not one Witness is sworn, nor any Commission directed to swear them at his Promotion; and consequently, if all the objected Crimes were true, and also as proper for your cognizance, as they are (here proved all of them) to be improper for your cognizance; and also tho your Jurisdiction Ecclesiastical was never so legal, and founded and built upon the Law of the Land; And tho you had known Canons, legitimated by our Sole Legislators, (in all which you are deficient:). Yet then (even according to the stile of your Court) the Promoter *Henry Bishop of London*, desisting and aiming not at all at the said Suspension and Rectory, (tho the Crimes were truly prov'd) yet his promoted Libel declaring for no Penalty at his Promotion, there ought to be a non-suit for that Blunder, and the Defendant dismiss'd with costs. But if this Court, or the said Bishop the Promoter, or the Promoter *Doughty*, desire to begin again, and have (not yet) enough of so impertinent and non-sensical Articles, let them come single, and one by one, one after another,—*ne Hercules contra duos*.— If this be fair Play, I have no Skill in Play, nor understand Trap.

But this Defendant is quite tired, (and so 'tis hoped by this time, is every body else, but the *Proctors*); This Defendant having already been so copious and substantial upon so idle and slender occasion.

Hereafter, if the Promoter, or Promoters, like the Place, Promotion, and Preferment, let them bring a more solid Charge against this Defendant, that he may muster up more, and greater Forces (than his own) to answer the Shock.

For (in this Defence) he is single and alone, without (as well as without need of) any other Man's Assistance or Advice; but then perhaps he will get better Heads than his own. In the Interim here's enough (without a Fee) especially upon so slight and trivial an Occasion. For is it not subtle, for Men to puzzle themselves in a Court about a Crime (as here for Barretry,) an Offence against Common-Law, and Statute-Law, of which this Court can hold no Plea, nor take Cognizance of? What have Spiritual Courts to do to decide or try Causes or Cases belonging to Common-Law and Statute-Law, in derogation of the Courts of our Lord the King; as in the Statute of *Provisors: War-hawk*, (as *Fullwood* says) have a care of a *Premunire*, have a care of hooking in every thing in ordine ad Spiritualia.

And is it not subtle, to object the very same Instances of Barretry (as of old) for which this Defendant has already (at a fair hearing) been honourably acquit? As if they had conspired to publish, and thereby proclaim to the World, the Integrity of the Defendant's Life and Conversation to be so great and without Reproof, that in all this time their Invention should be so barren of new Matter and new Accusations, whilst (at the same time) they prove the Fertility of their Malice and Revenge. Both which are the worst Privy Counsellors, unto whose Suggestions, Dictates, and Advice, whoever hearkens, he need no other Enemy, they alone will do his Business for him, and lead him into such Follies, rash, and precipitate Counsels, and Designs, into which, (like as into all other ways to Hell) the Entrance and Descent is easy, but no Deliverance from thence, but return and timely Repentance, (which at best) brings a Man Shame at the last.

And is it not subtle, to question this Defendant's Title to his ancient and undoubted Rites and Freeholds, and (in a Court too) that cannot try nor decide such Titles and Controversies, except they crack a Commandment, and hook it in (as some do every thing) *rebus Christi*, and so bring all temporal matters to Excommunication or the stool of Repentance; or else (like the Pope and Jesuits) compass Sea and Land, and drive all in and under their Jurisdiction, (Kingdoms, Titles, Freeholds, Lands, and Patrimonies, into St. Peter's Patrimony) in ordine ad spiritualia? Will Men never take warning, nor tremble at the Statutes of *Provisors*, nor leave those old (and discover'd) Gilfee-tricks?

And

And is it not *subtile*, to rip up *Peccadillo's* against the Act of Uniformity, thereby giving occasion to prying Men, to search into *their own Nonconformity* in illegal Rites and Ceremonies, universally and without Repentance practis'd (whereby they show their wit) even in Cathedrals, and Universities, in defiance of the Act of Uniformity?

But no Man is too great or overgrown for the Law, to which in all Ages the greatest Subjects and Favorites of old, have been (as well as in our days) forc'd to be subject, and submit their sturdy Necks, and hated Heads unto it; but some Men will never take warning, *Lege Historiam, ne fiat Historia.*

And is it not *subtile*, to make Henry Bishop of London, Promoter against this Defendant in the beginning of the Articles; by cashiering Thomas Doughty of the Place; And then to prefer Doughty to his old place again, and face about again; as you were? It is either an Affront to make the said Bishop a Promoter; or else (if he like the place) 'tis an Affront to dismiss him thereof, and take Thomas Doughty on again in Conclusion. But what Reason (the said Bishop) will have to thank the Impudent Proctor for the Promotion or Preferment, time will discover.

In the Interim, consider, how *savcily* impudent, and mischievously *sawcy* are some Servants, that (if their Masters will tamely suffer the Familiarity) play the *sawce* with their Masters (like *Churle-cats*) so long, till they scratch them.

And is it not *subtle*, to grant a Sequestration to Mr. Sewell, for the poor Rectory of St. Leonard's aforesaid, and never revoke the same, nor give notice of such Revocation, and yet send out another Sequestration, (for poor Harris) the other to Mr. Sewell, being unrevok'd (as aforesaid) and confirmed, by accepting the Fees at every Visitation, and in force, (if any Bishop's Sequestration be in force, which is no sin to question, especially upon this occasion) their Power at best being for Edification, not for Destruction, (like the Apostles) if they be like, their Power is to do Good, not Harm, especially to the Poor.

However, by their own Law and Method, all their Sequestrations are in force till they be revok'd, and Mr. Sewell's was never yet revok'd; no matter tho' how soon, that the People may see, the difference on't, and that seldom comes a better; in the mean while—*Mettal on mettal* is false Heraldry.

And is it not *subtle*, to implead this Defendant for a breach of a Clause in the Rubrick, of marrying without Banes; when every pittyful Register, Surrogate, Official, &c. makes no bones of it, but publickly sells such Indulgences, Licences, or Dispensations, in defiance of the Act of Parliament, the Act of Uniformity, and the said Rubrick (a Branch of it) that equally forbid and prohibit all Men?

And is it not *subtle*, to cull out (only) five *unlucky* Couples, for Instance, that inhabit in such Parishes, where it is impossible that the most of them should ever be married according to the rigid and strict Rules of the Rubrick, there being no Divine Service constantly said in any of the said Parishes, but in St. Leonard's (at present) not once in a quarter of a Year, and in St. Botolph's, and St. Mary Magdalen, not these thirty Years last past, nor any Churches (save what are demolished) wherein to read Divine-Service, or publish the Banes? And therefore it would have been impious in this Defendant (in this Exigency) not to have coupled them together, and to prevent their unmarried Concumbency, (and consequently Adultery:) Thus the Priest in a strait, gave David some of the *Shew-bread*, which (except in case of hunger and necessity) was not lawful for a Lay-man to eat, but only for the Priests: this Defendant also dispensing with the Rigor of a Commandment, which was impossible to be kept, without a greater Mischief and Inconvenience, namely, Adultery: A Sin, proper (of all other) for the Cognizance of this Court, and the Scotch-man John Dargavel, late Vicar of Boxted in Essex, (who got two Bastards in one House, where he boarded, much of one age, this Defendant baptized them both, calling one by the name of Dargavell) being put into this Court, and flying from Boxted, a Vicarage of 30 l. per annum, (a wonder in Scotland) was punished with another Living in the West Country, of 100 l. per annum, which he enjoys at this day; and when his new Parishioners prosecuted him in this Court for his old Adulteries, they had as good have thrown their Caps at him.

These are Crimes with a witness, publicly known, and scandalous; and yet in this Court it seems, it found no Suspension for three Years, as here (in this case) is

threatned for preventing Adultery, by marrying without Banes, where none could be had. Some Men had better steal a Horse, than others look over the Hedge.

And lastly, (for this Paper is almost done) Is it not subtle, for Men to search for a Mote in this Defendant's Eye, with a Beam in their own; and by the busy officiousness, thereby give an Occasion to have their own Eyes look'd into, blear'd with illegal Fees, Extortions and Oppressions of the King's Subjects in Probates, Letters of Administration, Ordinations, Institutions, Inductions, Visitations, Synodals, Procurations, Excommunications, Absolutions, Indulgences, Licences, and Dispensations; and also in illegal Rites, and superstitious Ceremonies, in defiance of the Statutes of this Realm?

Thus giving Irritation and Provocation, as well as Occasion, to bring their Works of Darkness unto Light, as if they long'd for Correction.

And Pity it is, great pity, that he should escape the Lash, who wantonly calls for it, effagitantes & sollicitasit.

Finis Respons.

CHAP. XIII.

Vell may the Reader wonder, that wise Men should be so Hood-wink'd with Passion or Prejudice, to make such a do about nothing; and accuse a Man for (old acquitted) Barretry in an improper Court, or make it a Crime to defend himself, his ancient Rights, Freehold and Tenants, from an Intruder.

But above all, 'tis incomparable, that Registers, Commissaries, Officials, and such kind of Creatures, should make such a noise about marrying People without the strict Rituals of the Church (which they break every day, by granting Licences publicly in defiance of the Statute) and pronounce such Solemnization of Matrimony a Prophanation! How do they pass Sentence against themselves? as if the Children of all that were married without Banes by their Licences, and Indulgences, (contrary to the Ritual and punctilio of the Statute of Uniformity) were Bastards! Which wicked Suggestion, the Papists may possibly (but God forbid they should ever have the Power) improve upon us all, and by the same Argument, make all our Marriages, not Solemnizations but, Prophanations, and our Children (consequently Bastards, &c.) not inheritable to our Estates, as being not born in lawful Wedlock, or Matrimony, which (say they) can never be Legal, except made according to the Ceremonies of the Roman Ritual.

And therefore, tho some Protestants and Papists (rashly) marry together; yet, the Papists will be married according to the Roman Ritual, by a Popish Priest, and then they do not much care (for they look upon't as nothing more than (of old) to be married by a Justice of Peace) for the present Exigency and edge of the Law, and therefore will condescend to be married again according to the English Ritual: Which brings to my mind a Passage (here) well worth the inserting, and mentioned in the History of the Life and Death of that Famous Judge, Lawyer, Philosopher, and Divine, Sir Matthew Hale; In these Words, Page 83, 84, 85.

'He was a devout Christian, a sincere Protestant, and a true Son of the Church of England, (and yet he had been one of Oliver Cromwell's Judges of the Common-Pleas) moderate towards Dissenters, and just even to those from whom he differ'd most; which appeared signally in the care he took, in a Case of the Quakers; wherein he was very cautious (mark that) in declaring their Marriages void, and so bastarding their Children.

'But he consider'd Marriage and Succession as a Right of Nature, from which none ought to be barred, what mistakes so ever they might be under in point of revealed Religion.

'And therefore in a Trial that was before him, when a Quaker was sued for some Debts, owing by his Wife before he married her; and the Quaker's Counsel pretended, That it was no Marriage that had past between them, since it was not solemnized according to the Rules of the Church of England.

'He declared that he was not willing, on his own Opinion, to make their Children Bastards,

‘ *Bastards*, and gave Directions to the *Jury*, to find it *special*, which they did.

‘ It was a Reflection on the whole Party, that one of them, to avoid an Inconvenience he had fallen in, thought to have preserved himself by a Defence, that if this Judg had absolutely determin’d, must have made their whole Issue Bastards, and incapable of Succession.

‘ And for all their pretended Friendship to one another, if the Judg had not been more *their Friend*, than one of those *so called*, their Posterity had been little beholden to them.

‘ But he govern’d himself indeed by the Law of the Gospel, of doing to others what he would have others do to him : *Which Law vacuates and makes null and void all Laws of Man*, ipso facto, *that are made to the contrary, as being against the Law of God and the Law of Nature*.

‘ And therefore because he would have thought it a *Hardship, not without a Cruelty*, if amongst Papists all Marriages were null’d, which had not been made with *all the Ceremonies* of the *Roman Ritual* ; so he applying this to the case of the *Secularies*, he thought all Marriages made according to the *several Persuasions* of Men, ought to have *their Effects in Law*.

Here was a Man made up of *Law and Reason*, and had Conscience and Compassion to *human kind* mingled with his Profession of Christianity, and was good as well as wise.

He well foresaw what a *Rod*, a just Rod *we Protestants* make for our selves, and (*if ever the Papists prevail*) to bastardize all our Children, if it be a concluded Maxime of the Church and Law of England, That every omission, or want of the established *Rituals* in the solemnization of Matrimony, make it null ; *Marriage being a Right in Nature*, and observed amongst Heathens (where I have inhabited and dwelt) that never heard or regarded any other Religion than the *Law of Nature*. And tho one Man, may (if he can manage them, or think that he has not enough of One) if he please, and also if another Woman agree to it, he may take her to Wife, and as many as he can, in addition : But *Adultery is never heard of amongst them*, at least more rarely than in *Courts Christian*.

And thus I hope both I and *all my Country-men* (true-hearted English-men and Protestants) will have more cause to rejoice, than *Court Christian*, that ever they royld or provok’d my lazy and beloved Silence, Retiredness and Privacy, by so silly an occasion, to publish thus my Thoughts and Meditations on greater Matters : But such is the Policy ; when I had begg’d of Sir Thomas Exton (my old Friend and Acquaintance) as if it had been for an Alms, more than once, (which they ignorantly construed to proceed from fear of them) That he would speak to the Bishop of London to withdraw the Prosecution and Promotion, and not force me to Answer, what I knew would (and which I was loth should) be displeasing to them.

And it is usual for Men that are chiefly guided by the *Maxims* (only) of Self, Self-Interest and Self-Designs, to construe all *Overtures of Peace*, Quietness, Amity and Accommodation to proceed from fear of some *Mischief* from them, (of doing which they are resolved, when they can, not to be over-cautious) for they cannot imagine that such amicable Overtures proceed from Ingenuity and a study of Peace and Quietness. But if Men (like some eager *Wrestlers*, that have more mettle, than skill or strength, after many repeated Foils, *Foil after Foil*) will never take warning, ’tis just they take what follows, *Self do, self have* ; Nay, no matter ; who bid them be so Fool-hardy ? Did not *Light-foot* (that pretty sweet-lips) *Asabel*, (all Mettle) and *Hot-spur*, pursue *Abner*, that old Captain, and by no Persuasions could be induc’d to fall upon the *Youngsters*, or common-men, but *Abner*, *Abner only* must be the Man he would hunt down and conquer ; Tho (2 Sam. 2. 21, 22, 23.) *Abner* said to him, Turn thee aside to thy right-hand or to thy left, and lay hold on one of the *young-men*, and take his Armor. But *Asabel* would not turn aside from following him. And *Abner* said again to *Asabel*, Turn thee aside from following me ; wherefore should I smite thee to the Ground ? How then shall I hold up my face to *Joab thy Brother* ? Howbeit, he refused to turn aside : wherefore *Abner* with the hinder-end of the Spear smote him under the fifth rib, that the Spear came out behind him, and he fell down there, and died in the same place.

C H A P. XIV.

NOR does the Order of Matrimony (*now used*) much differ from that made by the inspiration from the Holy-Ghost, in 2 *Edw.* 6. (for there also no Indulgences nor *Perfunctory Money-Licences* are allowed or wink'd at, nor the *Avarice countenanc'd*). save that, instead of — *With this Ring, I thee wed, with my Body, I thee worship, &c.* is inserted — *With this Ring I thee wed, This Gold and Silver I thee give, with my Body I thee worship, &c.*

For the Bridegroom (besides the Ring) was to give the Bride other Love-Tokens, called there, *Tokens of Spousage*, as Gold, or Silver; and also they were to receive the Holy Communion together, or Sacrament, without which never any Matrimony was solemnized; a good beginning makes a good ending.

But to come to a Conclusion of this Essay: *Schism* or *Sedition* (*quasi se itio*) or going by one's self, or, in a private path or way of one's own head, (out of the King's High-way, the Act of Uniformity) is a transgression indeed of the Law.

But if nothing will serve men, but severe Remarks must be made on such *Seditious* or *Schismatics*, (by what has been said) you see we must all cry, guilty, from the highest to the lowest, Clergy and Laity, that have but bow'd at the Name of Jesus, or to the Altar, or set up everlasting Candles thereon; for the Papists light them, and burn them upon the Altar, in imitation; for most of their Religion is only *Apish Mymcry* of the Primitive Times and Christians, who were glad (because of Persecution) to meet in private Conventicles, in Cells and Cellars, and by stealth in the Night, and consequently did all (as the Papists now do usually at Noon-day in their chiefest Churches, they obscure the Windows with Hangings, and do all (perhaps in fee, with the Chandlers) by Candle-light, or thinking as some idle Trades-men do (that burn the day) that *bought Light is best*.

I say, the Observation of the said idle Ceremonies, of private Interpretation, Making and Constitution, make us all *Schismatics*, *Seditious*, *Seitions from* (and in defiance of) the Act of Uniformity. And we must all cry *peccavi*, hold up our Hands, and cry guilty, guilty, and culprit, if we hap to be tried by God and the Country.

Nay, where shall we get a Country or Jury, that are not equally guilty of Nonconformity, as our selves; or that can find us guilty, without bringing in a Verdict (also) at the same time against themselves, and their own Nonconformity? Which shows how unpracticable that late Doctrine is like to prove, that none but *Conformists* to the Act of Uniformity shall be *Jury-Men*: A very fine Rod it would make everlastingly against all Protestants, if such a new Doctrine should be establish'd as the Law of the Land. For; (if *Q. Mary's Days* should Pythagorically Circulate, and face about (as we then were) which for our Sins, and base servile truckling is not impossible) then we have made a fine *Lasb for our own Backs*, and with our own Mouths sentenc'd and for ever condemn'd the two great Assistants of our English Liberties, Properties, and ancient fundamental Constitutions, *Safeguard* and *Life-guard*, namely, *Parliaments*, and *Juries*, if ever the Popish Religion come to be the State-Religion, and make an Act of Uniformity.

Search, and you'll find, that the great *Mystery of Iniquity*, runs in a Blood, among all those that set up a standing measure for all Men to mete by, and knock out all Men's Brains (as that Giant *Procrustes* did) who were *Longer or Shorter* than his Iron Stand-bed; or, cutting off so much of Men's Legs, as out stretch'd it, or else extended and rack'd out all the little *Dwarfs*, in whom natural Endowments were deficient.

Obj. What then? Shall not all be of one mind, and keep the Unity of the Spirit in the bond of Peace?

Ans. What, upon Compulsion? No, if all the Inquisitions and High Commissions, Racks, Goals, and Gibbets, were in the Confederacy, no Man can be made to do anything in Faith upon Compulsion; and whatsoever is not of Faith, is Sin; and it is not lawful (it is the Devil's Work) to tempt Men to sin.

You may imprison them, you may knock out their Brains, but if you would hang them, you cannot make Faith, or make any Man believe; (that is God's Prerogative alone) It is the Gift of God. Only use the Receipt that he prescribes against Infidelity,

Infidelity, Teach, Exhort, give good Examples, in Meekness, not in Goals, instructing those that oppose themselves.

If this will not do, do not stamp, fret, and curse, and rail, nor deliver them to Satan, by Excommunication, but pray to God for them, and their Conversion. Thus the Apostles conquer'd the World to Christianity, untill the Pope came, and (in Imitation of Mahomet and Presbyterian Cruelty) made Converts with Fire and Sword, and Desolation, confining (like the fam'd Conjuror) their Spirit, or Familiar Demon to the Pommel of their Sword; thence came Fire and Fagot, (the Inquisition-Purgatory, for an excommunicated Infidel, and Horning, Goals, and Outlawry, in Scotland, amongst the rigid Scotch Presbyterians, for the like Offence, and no Deliverance but the base Close-Stool of Repentance. And whilst these Popish and Presbyterian Bigots are thus cursing, damning, killing, destroying, a Man and his House, a Man and his Heritage; they think (or at least) would persuade you to think, that whosoever of them destroyeth or killeth you, (therein) doth God good Service.

CHAP. XV.

And who knows but God and Nature, (which seems in the wole Creation to delight in Variety, and therefore not one Individual (Man or Beast) which are numberless) are yet exactly in all Symetries and Proportions, Sizes, Features, Figures, and Complexions alike) is also so offended with diversity of Thoughts, Opinions, Fancies, or Judgments differing. For tho' we are all of different Aims, and Feature, and Shapes; yet we all continue to be Men; and tho' we may differ in many Punctilio's, and some come short, and some overstretch the known common, publick and uniform Standard; (God forbid but) still we all of us may continue to be Christians.

But we may as rationally quarrel with every Man we meet, whose Nose of his Face is longer or shorter, lesser or bigger than our own; as to quarrel thus endlessly and to Daggers-drawing, about different Judgments and Opinions, in Men whose Heads and Eyes are not all of a size and accuracy, to the shameful Disturbance of the Peace of the Kingdom, and the Peace of Christendom.

And for all this, We may thank the Avarice and Ambition of Rome and Infallibility, that pretend to be the only Ring-leaders to Heaven; and if you will not come along with them, they'll curse and damn you, and bid the Devil take you for a Heretick and an Infidel.

Whilst the Turk laughs in his Sleeve to see how the Protestant Christians are forc'd to fly to him for Shelter (as now the Hungarians do (called therefore Rebel Hungarians) that so Gog and Magog, would please to defend them and save them from Jesus Christ's Vicar, and his Blood-Hounds, the Jesuits.

A very goodly Account, and ready way to convert the Great Turk! So that for my part, I with we may (now) put into our Letany again, that which is (and was) put in by the first Reformers and Martyrs, and Composers of the Common-Prayer-Book and Letany in 2 Edw. 6th, I know not by what or whose Artifice (now) omitted: Namely, From all Sedition, and privy Conspiracy; From the Tyranny of the Bishop of Rome, and all his detestable Enormities; from all false Doctrine and Heresy, from Hardness of Heart, and Contempt of thy Word and Commandment, Good Lord deliver us.

There's not one word of alteration in the Letany, from what it was at first, except in this Suffrage; and sure 'tis now as needful and seasonable a Prayer, as ever it was.

For is it not great Tyranny in the Bishop of Rome, and of all such as are of like Popish Principles, to quarrel with all Men we meet upon the Road to Heaven; because they will not go our Way? and if Words will not do, then Blows shall, and then hale them along, and curse them and damn them, excommunicate, and Goal them. And all (forsooth) because the Pope, and every little bigotted Popeling and rigid Spit-fire, pretends that he is in the right Road; and in the very infallible way to Heaven, and they that will not just come along with them, (for which also they'll make them pay Toll too) then hale them along by Head and Shoulders, put them in Prison, and take away their Purse.

A most *incomparable Christian Method* ! but I'll say of such (as *Pope Alexander 6th*, said of his wicked Son *Cesar Borgia*,) *me commonfratore non didicit*, he ne'r learn'd this of his Father : I mean the Father of Spirits, our Heavenly Father never taught them thus to fight and quarrel upon the Road to Heaven.

Why ? suppose a Man *will not go our way*, or think his Business rather lies another way, a shorter cut, a *nearer way* and a better Road.

Must we, because we think the Man is in an Error and Mistake, *draw* our Weapons (whether carnal or spiritual) *upon him* ? where's the Reason, the Conscience, the Christianity of it ?

Does not every Man best understand his own *Concern* ? or if he doth not, 'tis *not our loss*, but the harm is *his own* : We may *advise him friendly*, and tell him of the dangerous way he is in, of which yet none of us (the wisest of us) are certainly infallible and assured.

But if he will not take our Advice, *fare him well*, curse him not, but *pray for him*, and say, *God bless him*, and *teach him and us* the right way.

Indeed, if our Actions and Manners be against the indisputable and unquestionable *Laws of God and Nature*, as Blasphemy, Adultery, Drunkenness, and Rebellion, Treason, &c. Then *take him Goaler*, and let the Magistrate correct him :

But to curse, whip, lash, slash, and *Bridewel* a Man for not thinking as we do, (Opinion and Thought being *free*, and impossible to be compell'd) is a *Spanish Inquisition*, *High-Commission*, and *Romish Tyranny*, and a *Lunacy* (to boot) beyond that of *Bedlam*.

God grant us to be all of one Heart and Mind in God's Worship and Service, and to keep the Unity of the Spirit (at least in the Bond of Peace, and Comprehension.) But if (thus) Praying will not do ; cursing, and excommunicating and damning should not do I am sure. Which makes me think of a Gain (and I'll not think it *Battology* to recite it again) namely, That admirable and Christian-like Direction, and (only safe) Prescription of the said Incomparable Sir *Matthew Hale*, amongst his said 18 *Caveats*, given to himself, in these Words.

' That I be not too rigid in Matters *purely conscientious*, where all the harm is *Diversity of Judgment* ; and if in Criminals, it be a Measuring-cast, to encline to *Mercy* and Acquittal.

This is true Piety indeed, and the only true Christianity ; but the contrary, is true Impiety, and the only true *Antichristianism*.

Besides, 'Tis true Policy too, no Man quarrels with another that is not just of his Size, Complexion and Pitch : and why not ? Because there's no Law to fine every Man that is not of such a common Standard, Size and Pitch ; *if there were*, Covetousness and Tyranny would set the Uniform and common Standard-men at work (if it were but for the *Fine sake*) to hale in the Nonconformists, and dissenting Scantlings, and then what old tugging and quarrelling, goaling and bailing would there be, to the perpetual Disturbance of the Neighbourhood, and the Kingdom, as well as to the shameful Scandal of Christianity, that makes Doves and Lambs indeed, but neither Wolves nor Bloody Bonners or Tygers.

Whereas now that we have a *general Comprehension* as to all Sizes of the Body ; and no Man is bound to grow to just *such a Scantling*, and no higher ; we have no quarrelling about the Matter, no more than there is in *Holland* (about Religion) where, tho' they have different Religions, yet every Man being left to God and his Liberty to go to Heaven which way he please, they never curse, damn, excommunicate, or quarrel about the matter, but leave every Man to *stand and fall to his own Master*, and Creator, further than Christian *Admonitions* and *State-Encouragements* and Preferments do invite or allure.

For they admit and courteously entertain (like Men and Christians) all Mankind, except the said Inhospitable and Antichristian *Bloodhounds*, the Jesuits ; and those, if they catch *hunting*, or resting in any of their Dominions, they immediately (upon proof) boil them to death in scalding Oil.

And to this Severity they are forc'd and constrain'd through that Jesuitical *Maxime*, that *Dominion is founded in Grace*, and consequently, *All the Kingdoms of the World*, Territories, People and Dominions, ought to be subject to *Christ's only Vicar*, or Vice-Gerent upon Earth, the Pope.

For Severity and Cruelty may make many Hypocrites, but cannot make one Saint; it can do much Mischief, when in Power (the only thing that wicked Men mind) but not any Good: it can *surrogate to Destruction*, but not to *Edification*; it can (like *Erostratus*) get a Name and Fame for *destroying* the Temple and Church, but wants the Heart of Holy *David*, and the wise Head of *Solomon* and the *Apostles*, to *build the Temple and Church of God*.

Our Blessed Saviour came neither to destroy the *material or spiritual Temple*; but if Scribes, Pharisees, Hypocrites, destroy it, he said, *he could build it again in three days*.

But some Mens Arts are like the late Bishop of *London, Bonner*, his Arts; they can destroy and fire the *Spiritual Temples of God* in few days, more than they will erect and build up all their Life-time.

—— *Sic facilis descensus Averni.*

The way to Hell is very easie,
And down-hill all way to't, an't please ye.

And therefore away with Mens Prate and Talk, vouching their private Malice and Revenge, with the Constitutions of the *Church, The Church*; if they be not according to the Constitutions of Christ in the Gospel: for, as *Cyprian* says, *Serm. 5. de Lapsis, non est Pax sed Bellum, nec Ecclesie jungitur, qui ab Evangelio separatur.*

Then trust ye not in lying Words, *Jer. 7. 4.* saying, *The Temple of the Lord, The Temple of the Lord, are these; Behold ye trust in lying Words that cannot profit! Will ye steal, murder, commit Adultery, &c. and come and stand before me in this Houses which is called by my Name, and say, We are delivered to do all these Abominations? If this House, which is called by my Name, become a Den of Robbers in your Eyes; Behold; even I have seen it, saith the Lord.*

But go ye now unto my Place, which was in Shiloh, where I set my Name at first; and see what I did unto it, for the Wickedness of my People, &c.

Whence I note, that no People or Church (how dear soever it has been unto God) has a Charter of Priviledges to offend, rob, or murder their Brethren, under the Title, Umbrage, and Name of the Church — the Church, — which Church is not exempt — from God's Visitation and Punishment, (if not) Extinguishment. Which brings to my Mind, what *Heylin* in his Geography, says of Poland, l. 2. 150. The King (at his Coronation) takes an Oath, to confirm all the Rights and Priviledges of the Subject granted by any of his Predecessors, and also adds this Clause; *Quod si Sacramentum meum violavero, incole Regni nullâ nobis Obedientiâ tenebuntur.* That if I break my Oath, the Subjects are not obliged to us in Allegiance or Obedience. A Clause, that seems to me proper only (if proper at all) for an Elective King, as is the King of Poland, and not for a King whose Kingdom is Hereditary, as Sweden, Denmark, England, France, and Spain; nor can it, or ought it to be otherwise applid, than as to the matter in hand; that (whatsoever the Pope do, yet) God gives no Indulgences, Licences, or Priviledges, either to sin, or to sin impune.

Besides, Piety is the greatest Policy in the World, and the most easy, as well as most safe, certain, and sure way of governing Mankind, in Mercy, Goodness, Meekness, Compassion, Justice, in not being over-ruled with Popular or Parasitical Applause, or distast of the greatest Favorite. Especially, in England of all the World, who are sturdy, (generally) hard to be forced or driven, but easily drawn (like a great Ship in calm Water) with a Twine-Tired.

Besides, the Defence of the King and Kingdom consists not in impregnable Fortresses, Forts, and Citadels, as in the Low Countries; but in the Limbs and Hands, Heads, and Hearts, of the happy Natives. (I mean) our Main-guard (under God) consists in Castles of Bones, and not in Castles of Stones.

C H A P. XVI.

Friday, Novemb. 25th, 1681, was the day appointed and agreed upon (on both sides) to argue the said Pleas, Proteftations, and Answer; and to that purpose, Sir Philip Lloyd, (upon the 21st Instant, being their Court-day) did bid me nominate and chuse what Advocates I thought most meet to argue, and improve my said Proteftations, Pleas, and Answer.

Advocates? (Replied I) Advocates? what? shall I ask Advice of the Fox, how to preserve my Chickens? Advocates indeed, have the Advantage of me in Skill, Eloquence, Pleadings, and Subtilties; but all that will be abundantly supplied by the Advantage of the Ground on which my Innocence has plac'd me.—Let Criples go on Crutches, (I told them) and that I doubted not (by God's help) but I should stand on my own Legs, and against them all, if I might but be allowed fair play, and the benefit of the Laws; which was fairly promised, and honestly performed; yet on the day, time, and place appointed in Doctors-Commons, to argue this mighty Case, before the Judg came into the Room, I was most insolently affronted, and my Hat pluck'd off in great Rudeness, and tumultuously by a Proctor's Clerk (unworthy the naming,) who being reprov'd for the sawcy Attempt by some Citizens there present (all strangers and unknown to me) upon the Stir, comes in Sir Philip Lloyd, and inquiring the Cause of such Disturbance and Noise, was told by one of the Citizens, and who caused the same.

He very honestly check'd and severely chid the Fellow, and bid him be gone out of the Room, and that otherwise he might have been thought privy, or at least to countenance such Rudeness, when Men come upon their Affairs, Citations and Monitions (to Doctors-Commons;) but that was poor Satisfaction for so great and publick an Affront; 'tis well we have his Majesties Laws and his Majesties Courts to vindicate and secure us from such barbarous Assaults, and probably the Fellow has heard from me concerning it, before this time.

In the Interim, to proceed,—Sir Philip takes a Chair and sits down, and so did all the Advocates, and very courteously, the Judg desires me also to take a Chair amongst them, and sit down; and great Expectation there was by the By-standers to hear this mighty Argument.

But when it came to Sir Thomas Exton, (of Counsel for the Promoter) instead of arguing, admitted my Pleas, and there's an end of an old Song, except at the next Term, the Term Probatory, further Debate, or Debaite arise; so away I came, out of their Room with the stifling Crowd after me, who were defeated of their hopes to hear soome Proof or good Foundation for their Spiritual's Courts, which Sir Thomas Exton said, I denied; and my Reasons for the same, you have heard in my Answer, which was not argued, but admitted; and so the By-standers lost their Longing, as well as I lost my time, detain'd for a Nonni-no above a Fortnight at London, from my Parish, my Family, my Cure and Charge.

But how I employed my self in that Fortnight, you have read (thus far) in this Book, allwile at London in that time; and the next day, coming to Colchester, weary, and tir'd and bemir'd, I immediately (to shew my Love to Peace and Quietnes) writ by Saturday Post, this following Letter, (to Sir Thomas Exton) nor amiss, here to insert, in these very Words.

Colchester, November 26th, 1681.

Right Worshippful;
I Expected Yesterday, that you would have argued (as the Bishop's Advocate) against my Allegations; but since you chose to admit them, I have resolv'd once more, thus to persuade you rather to be a Moderator (which is in your Power) to reconcile the Differences betwixt the Bishop of London and my Self, rather than to espouse a Party and be a Stickler (tho for a Lord Bishop) against your old Friend, and University-Acquaintance, of 35 Years Continuance.

'If you think this motion for Peace, and Accommodation proceeds from fear, the Impartial-Consideration of my Answer will undeceive you.

'And this is the last Overture I will ever make for an Accommodation, except you answer it and me effectually within a Week.

'And by your neglect (which is probable, for Passion and Rage indeed, and hath no Ears) I shall then think my self absolv'd, not only in my own Conscience and Honour, but in the Opinion and Sentence of all good Men, if (after these amicable Overtures rejected) Differences grow to that height, that in my just defence I be forc'd to reach some unhappy Blowes, that may (otherwise against my will) hit an old Friend.

'Thus (you see) how I study to be quiet, and to avoid Disputes, especially with my Diocesan; though he cannot possibly contrive a way to make my Name and Fame so Eminent and considerable, as by (this) publicly entering into the Lists of Contests with me.

'Wherein, if I be foyle'd, no great Honour can he get by the Victory, after such great advantage of the ground he has got to stand on above me.

'But if he come off with loss, how will he have cause to blame those Counsels, that irritated him to this unseemly Encounter?

'Revenge is God's Attribute, and can no more be safely and honourably handled by any Man, then burning Coals, which leave at best unhandsome Scars, and uncomely Cicatrices, though healed never so cleverly. But Harm watch, Harm catch.

'And if nothing else will serve, then let all our Faults be rip'd up, and expos'd upon the Publick-Stage, (to make sport for the By-standers) and currat Lex; I am

Your Servant,

Edm. Hickingill.

It was (and is yet) a Canon, agreed on all hands, in the first General Council of Nice, (which the Church of England owne) That no Bishop shall quit a small Bishoprick for a bigger, and (therefore) better.

But who heeds the Canon, when an useful Man, a Man of great Parts, great Improvements, great Learning, and also (which I had almost forgot) great Relations and Friends in the Case!

It was a Canon (Council. Sardic.) that none should be made a Bishop but gradually and passing through all the Inferiour Orders, and had also continued in them for some considerable time; there was no Bishops then made per saltum, (as at leap-frog) skipping over 3 or 4 Heads; none vaulted into the Holy See or Seat, nor leapt so high at one Jump; but mounted (as to the Altar and Holy of Holies) by Stairs, Steps, and by Degrees.

Because, a Bishop should be a Presbyter, or Elder, 1 Tim. 3. 6. *μη νεοφυτον, not a young Novice? And why? And why? what stops his Grace? The Apostle shews cause for his Non-placet in the next words; lest he fall into Temptation, or the Condemnation of the Devil, by being puffed up with Pride, swelled like a Bladder with the Windy and Fanatical Self-conceit of his own merit; when in truth that Bigness is nothing but windy Emptiness, and being discovered or let out, will fall and flag, as Lucifer did from Heaven.*

That is the meaning of — the Condemnation of the Devil — namely the same Sin of (being swell'd with) Pride and Self-conceit, will have the same Punishment that Lucifer had.

But notwithstanding all this, the Church made bold to crack a Commandment, in the case of Nestarius, who having great Friends and Relations, was chosen Patriarch of Constantinople, whilst he was a Souldier, a Layman, and unbaptized.

And I can tell you, the Patriarch (or Pope) of Constantinople, would have scorn'd in those days to have given the Wall to the Pope of Rome.

Also stout Captain St. Ambrose (that would scorn to bend to the Emperour Theodosius, but flatteringly cring'd to the Usurper Eugenius) was chosen (Notwithstanding the Canon-Law) to be Bishop of Milan, whilst he was a Souldier,

and Governour of the same City and *Metropolis* of Milan; nay, also unbaptized (as I remember).

Thus, when the Church can *naile the Canons*, or *crack a Commandment*, for Men of great Parts, Interest, Relations and Friends; surely, to *show its Charity*, it may condescend a little from its *rigorous Constitution*, and reach a helping-hand, (*themselves also being frail and tardy*) and Indulgence, in this my case, to me a poor little Man, that has neither great Friends, great Relations, great Parts, great Learning, nor (indeed) great any thing, save a great Adversary.

To the 2d Question, namely,

Quest. 2. If Christ or his Apostles did ordain such an Ordinance, (as Excommunication) *who were the Administrators?*

Answ. The Answer is easy, namely, *such as had Ability to judg and discern*, Right from Wrong, Truth from Falshood, and an Orthodox-man from an Heretick, by the Gift of the Holy Ghost, called, *discerning of Spirits*.

For we shall be in *fine taking*, if, upon a fair Trial and Issue, (*what colour is such a Horse, white or brown,*) we should place a blind Man upon the Bench or Jury; or Men-purblind and short-sighted.

The Pope craftily *forefaw this*, before ever he applyed that of *Tit. 3. 10.* to his Jurisdiction—namely, a Heretick after the first or second Admonition, *reject*—

And therefore he *first made himself the Infallible Judge*, that cannot be mistaken, but alwayes discerns Right from Wrong, Truth from Falshood, an Orthodox-man from an Heretick; for then (and then only) is Excommunicating a Heretick *rational*, when built (and only then when built) upon *Infallibility*; take that away, and down comes the *lofty Fabrick*, or Fortrefs, or Cittadel of Excommunication, that has so aw'd, and *overaw'd* the whole Christian World.

For *what a Blunder is it in Ratiocination*, to say, the Church of Rome, *Alexandria*, *Antioch* have erred, and the Church of England may erre, and yet these same Churches shall as stiffly decide, and positively assert, *what is*, (and what is not) *Truth*, as if they were (not *Seekers*, *Searchers* and *Viatores*, but) *Infallible men*.

For supposing a Church or Church-men may err, (as did the greatest Council of Bishops that ever was in the World (about 700) at *Ariminum*, *Sirmium*, &c. who were *Arrians*, and denied the Divinity of our Saviour) the Orthodox and Protestants had a good time of it, to be burnt by the Bishops, as Hereticks for asserting the Divinity of our Blessed Saviour.

Lawn-sleeves then, nor all those Reverend Habits, and Accoutrements of the Bishops, whether the Most Reverend, or the Right Reverend Fathers in God (we see by many Experiments) are no infallible Marks or Signs of Truth; without all peradventure, as if all their *Placets* must, must, must needs be right, whilst they are frail like other Mortals,

And therefore (Excommunication) like *Scanderbeg's* Sword is but a common Weapon, except it be wielded by *Scanderbeg's* Arm, Judgment and Dexterity: A Cripple would make but *bungling work* with it; nay, perhaps lose it to the Enemy, and then we shall have it *turn'd upon us fatally*. Good Cripples! sit still, and be quiet, till you get *Apostolical Arms*, Judgment and Dexterity; for fear this two-edged Sword with which you do so cut and hack, dismember and mangle the Body of Christ, (for a *Guinee* a cut) be one day turned upon your selves with the fatal Edge towards you, if the Enemy recover it, and get it in his hand again.

The Enemy, (*the common Enemy*) the Papists, first, from *Tit. 3. 10.* Excommunicate a Heretick, that is, they deliver him over to Satan (as the Apostles did) but finding Satan would not take the Excommunicate (as he did in the Apostles days) then the Pope (by an *Arrogance* as petulant as the *Sarcasme*) surrogates the Magistrate (instead of Satan) to take the Excommunicate for the destruction of the *Flesh*, (and that in the most compendious way) by Fire and Faggot, for the destruction of the *Flesh*, Body, and Bones in the Flames.

And though amongst us the Heretick shall not now be delivered over to the Magistrate to be burnt, (since the Abolition of the *Writ de Heretico comburendo*) yet even at this day, when holy Church (which yet confesses her self subject to error) signifies a Man to be Excommunicate for Herefy, the Magistrate takes him with the

Writ

Writ *de Excommunicatō capiendo*, for the Destruction of the Flesh (not with the fierce Fire and Faggot, but) still with a *lingring death*, a *Goal*, until he Repent and Recant that his wicked Error.

As for example, Suppose a man should not with both his eyes, (which are good as other mens) and with which he can see as far into a Millstone as any man, should assert, that, though it be the positive Law of the Land to Excommunicate and Deprive men of the blessed Sacrament, yet he cannot see, (in Holy Writ) that Christ debarr'd *Judas*, the Traytor, nor that the Apostles ever did (by Practise or Injunction) command such a Discipline, (by some called an Ordinance of God,) *in depriving them of the Ordinances of God*: as if a Physician should command that the Patient should never take a Cordial or Sanative Medicine *because he is sick*; Alas! Alas! Cordial Medicines are made for the very *nonce* for the sick: (as the Sacraments for sinners) and the whole (if there be any such) *have no need of this Physick*, but them that are sick; And if *all sinners* must be deprived of the blessed Sacrament, and Excommunicate; I doubt, the Bishop and his Chancellor, (*that Excommunicate sinners*) must be forc'd to Communicate *alone by themselves*.

Well, (say some) but is it not clear, that *Titus* was commanded to Excommunicate a Heretick, after the first or second Admonitions? Does not the Learned Doctor *Hammond* upon the Word, *Reject*, *ῥαγιστε* translate it, *Excommunicate him*, or *cut him off* by Excommunication. So Doctor *Taylor*, (says) the Word signifies to be *drawn out of the City*, as an outcast; (and that is *rejecting with a witness*, if they will also, eject, deject, and stone him to death, as they did *St. Stephen*.) And a great many more (like Horses in a Teame) *fog on* (through thick and thin) *without chusing their way*, following their Leaders; if they have great and hard names.

And yet such an illiterate man (as I) can see no reason in the World that [*ῥαγιστε*] *reject* (in English) should be construed (that the Apostle meant that *Titus* should) *throw a Heretick out of the Church* by Excommunication.

And this I will make bold to defend against all the Fierce, Bloody and Sanguine-complexion'd Greek-Criticks in the World.

But, (in short) can any man *exponnd* the Apostles meaning (by *ῥαγιστε* (which for the present we will construe) *Excommunicate* the Heretick:) *better than by the usage he makes of it himself in another place*? And can any thing better clear his meaning?

Compare then with this, *1 Tim. 5. 11. Νεώτερας δὲ χήρας ῥαγιστε*: *But the younger Widows Excommunicate* (or throw out of the Church, for what?) *for when they have begun to wax wanton against Christ, they will marry*.

And thus, if men had not two measures, *one to buy by*, and *another to sell by*, they would not (by their Interpretations and Comments, to gratifie their spleen) set all the young Widdows in the Kingdom about their ears. For,

If a young Widdow (brisk, healthful and buxom) according to the Guerdon and Dictates of Nature to propagate her kind, make a slip or so, What then? then Excommunicate her; if a Register or a Sumner smell it out, or have it in the Wind.

But then, (you'll say) let her Marry rather than Burn; Ay, but my fierce Interpreters will still *have her upon the Hip* again, and Excommunicate her for Marrying, by vertue of *1 Tim. 5. 11.* so impossible it is for a young Widow to come fairly out of their clutches, if *ῥαγιστε* signifie necessarily *Excommunicate*.

Nay, in the whole Bible *ῥαγιστε* or *ῥαγιστέομαι* never signifies Excommunication. We meet with it, *1 Tim. 4. 7. τὸς δὲ βουδὼς &c. ῥαγιστε*.

And there we can be content to translate it, (gently) *refuse* prophane and vain babblings, and *exercise thy self rather* unto godlines: *So here*,

A Heretick after the first or second admonition, *refuse or avoid his company*, and rather exercise thy self with men Orthodox, or men of Godliness.

This Word *ῥαγιστέομαι* you meet with also in *Luk. 14. 18, 19.* and there it is translated (as it ought) *to excuse, forbear, or be excused*: And then the sense will be,

A Heretick after the first or second Admonition, *excuse or forbear*, or *meddle no more with him*.

What a *Hub-bub*, What *Smithfield-fires* has this doubtful Word kindled in the World? How *many Goals* has this *fiery* and *fierce* construction fill'd?

Blessed Apostle! little didst thou intend by that harmless expression and *μαρτυρῶ* that (*thereby*) so many Martyrs in the day of *Henry 8.* and *Queen Mary*, should have ascended (like *Elijah's* to Heaven in a *fiery Chariot*) from famous *Smithfield*, or, that the Goals, and Goalers should have been enrich't, with *μαρτυρῶ*.

Can *μαρτυρῶ* *refuse, avoid, excuse, or forbear*—be a sufficient Commission (where-with) to Plunder, Imprison and Kill, all Christendom over, in Bloody Massacres, Fines, Goals, Dungeons and Confiscations, 'till for shelter (like the *Hungarians*) they fly for Refuge to the *Turk*, that (though a *Gracian* born, yet) never at this sad rate learnt to Construe *μαρτυρῶ*.

Known is the Story of that *Arrian-Heretick, Mahomet*, (afterwards) the great Prophet of the *Turks*, who, to inveagle his Followers and easie *Mussel-men*, told them he would show them some *Tricks*, and by Faith remove Mountains; and make two adjoining Hills come together, though he did not (*thereby*) show his Faith, so much as his *Brazen-face*.

For mounting to the top of one of the Mountains, with his Disciples, he admonish'd the adjacent Mountain to come to him; but it stirr'd not: then he gave it a second Admonition, but *laptidi loquitur*, it made (as if) it did not hear, and budg'd not; no, not upon the third summons.

No, quoth *Mahomet*, Will you not budg? then if the Hill will not come to *Mahomet*, *Mahomet* shall budg to the Hill; and so fairly marcht to it.

I will not apply it, but this I will say, concerning some (call'd) Hereticks, that seem fixt as a Mountain to their Principles (and who but *Infalible-Sirs* can tell but that after the way some men call *Hereſie*; so Worship they the God of their Fathers.)

If these fixed Hereticks will not be removed, if we had faith like a grain of mustard-seed, we could remove these mountains without the carnal helps of *Spades, Axes, and Pick-axes*; but 'till then, if the Mountains will not come to us, nor we so supple and condescending as to march over to them, let them stand and fall to their own Master, and Creator that there fixt them, except they obey the first, second and third Admonition.

Their Souls are their own, they best know on whose Errand they go; we have deliver'd our Souls, and done our duty, 'tis they must suffer, and is it not punishment enough to lose Heaven hereafter, but we must take their Purſes upon the High-way thither, or Goal them, Sequester them, Kill and Slay, Fine and Confiscate; and make them take Heaven by violence (in a wrong sense) *vi & armis*, with Sword and Gun. Is the Church (for this) call'd *Militant*?

Beside, *Hereſie* is not so ill-natur'd a Word, as fierce men make it, *Constantine* the Emperor calls Christian Religion *Hereſie*, (that is) a Sect, or Profession, or Opinion. The Sect of the *Sadduces*, Acts 5. 17. and Sect of the *Pharisees*, Act. 15. 5. (in the Greek is) of the *Hereſie* of the *Pharisees*, who believed. *Non sum in eadem cum illo Hereſi*, (i. e.) *sententia*, says *Cicero* in his *Paradoxes*.

Quest. 3. Against what Offenders and Offences Excommunication was made use of?

Ans. 3. This requires (considering the large Premises) but a compendious Answer; namely,

This Sword of Excommunication was never drawn (that we read of) by our Blessed Saviour at all; nor yet by his Apostles, except that *St. Paul* drew it twice; once against an Incestuous Person, and then afterwards against *Hymeneus* and *Alexander* for Blasphemy:

Not a Fornicator, nor an Adulterer Excommunicated in those days (more than in our days) nor a Common-sweaver or Blasphemer (amongst them more than amongst us) Excommunicated, except the said *Hymeneus* and *Alexander*, that we read of.

And

And these by an Apostle that *neither bore the said Sword in vain, neither mistook by nick-naming the sin or the sinner*; for he had the *Spirit of Discerning*, that we (poor Moles) do want: he *never shot at Random*, never mist, or *shot beside the right Mark*; never made this Sword of the Lord to *Duel or Hack* in a *private Quarrel or Revenge*, much less upon any *false, unjust, or illegal ground*: and most of all would have *abhor'd* to have *Coy'd* with it, or made Money of it.

Quest. 4. *How Excommunication (at this day) does agree with the Laws of God, and the Laws of the Land?*

Ans. 4. By what has been said, *it does not appear to me that the Holy Scripture makes Excommunication a standing Ordinance in the Church of the Old or New Testament.*

Or, that ever any *Israelite* was *debar'd* (or *order'd to be debar'd*) the use of the Sacraments, for *Moral Uncleanness*, in *Life, Manners, or Opinion*, in the *Old Testament*; or, any *Christian*, in the *New*.

But herein, I pretend not to be *Infallible*, nor do I affirm it *peremptorily*, but humbly desire to be better inform'd of such as see more than my self, and of my Superiors: I may be *erronious*, but never will be *obstinate*, or a *Heretick*.

The *Positive Laws, Human* (so that they be *not contrary to Gods*) Law, I have learnt to *obey*, not to *dispute*.

And I Publish this chiefly, that thereby *Learned men* may take occasion, to inform and reform my Judgment herein, if it be *erronious*: But I have nothing to say against *Excommunication* so far as it is the Law of the Land, and not *abus'd*.

But by what Law of God or Man, the *Lay-Doctors, Commissaries and Chancellors* (without so much as the presence of a *Priest for formality sake*) have got the *power of the Keys*, and to make much Money of them for every trifle, transcends my understanding.

Quest. 5. *The fifth Query, What good or harm Excommunication has done in the World.*

Ans. 5. To which I shall briefly Answer, in the words of the Learned Mr. Baxter, in his late Answer to Mr. Dodwell---p. 106, 107, 108. (which I chuse (under favour) to quote, chiefly for the *Authority*, and also because I am quite tyred of this Theame, and will therefore wave at present my own large Collections (which would swell this Book too much) and make them make room for his far more compendious Argument in this following Induction.

'Nothing but *Ignorance or Impudence* can deny that the difficulty of knowing whose *Excommunication* it is that is to be dreaded as owned by God, hath encouraged professed Christians so confusedly to *Excommunicate* one another, as that this *Excommunication* hath been so far from constraining most to repentance, that it hath made Christianity a horrid scandal to *Infidels and Heathens*, by setting the Christian World in the odious confusion of *Excommunicating* one another. To give some instances how far *Excommunication* is not coercive.

1. Who but the Devil was the gainer by *Pope Victor's Excommunicating the Asians* about *Easter-day*? Did it compel them to *Obedience*?

2. When the *Orthodox Excommunicated the Arians*, did it force them to obey? When they got almost all the *Bishops* for them, and *Excommunicated* and destroyed their *Excommunicators*?

3. When the *Cecilians* (or *Orthodox*) and the *Donatists* for so many Ages *Excommunicated* one another, merely upon the difference which party had the true *Ordained Bishops*, Did *Excommunications* force them to *Obedience*?

4. (To pass forty other Sects) when *Rome Excommunicated*, yea, and *Prosecuted the Novatians*, Did it compel them to obey? And did not *Atticus, Sissinius* and *Proclus* win more by allowing them their own *Communion*, and liv-

ing with them in Love and Peace? *Chrysostome* since threatned the *Novatian* Bishop that he would silence him; but he quickly recalled his word before they parted, and durst not do it.

5. Did *Cyril's* Counsel against the *Joannites* win them, or harden them? Was it not *Atticus* and *Proclus* love and lenity that ended that division?

6. Did the Excommunicating of the *Nestorians* by *Cyril*, compel them to Obedience, when so much of the East are *Nestorians* to this day, and requite the Orthodox with their Excommunications?

7. Did the Excommunicating of those that rejected the Council of *Calcedon*, (the *Eutychians*, and *Acephali*) compel them to Obedience, when many Emperors took their part, and the greater number of Bishops joyned with them, and they equally damned those that received the Council for many Princes Reigns. And when so great a part of Christians as are the *Jacobites*, *Abassines*, &c. own *Diascorus*, and condemn that Council to this day?

8. Did the Excommunicating of the old Hereticks, *Gnosticks*, *Basilidians*, *Valentinians*, *Paulinists*, *Apollinarians*, *Eunomians*, *Arians*, *Photinians*, *Macedonians*, *Priscillians*, &c. compel them to Obedience at all? or did they regard it?

9. Did the Excommunicating of the parties that were for silence (the *Acaicians* as to the *Quisimus*, and those that were for *Zeno's Henoticon*) compel them to Obedience?

10. Did the mutual damnations of the *Phantasticks*, *Justinian's* and *Gamas* party, and the *Corrupticula*, force either to Obedience?

11. Did the Excommunications of the *Monothelites* compel them to Obedience; when in the days of *Philippicus* they had a Council, saith *Bennius*, of Innumerable Bishops? And he saith, that the General Council at *Trul*, called *Quinisextum*, was of the same men that were in the approved sixth General Council, and that they were *Monothelites*.

12. Did the several Excommunications of the *Constantinopolitan* Bishops by the *Roman*, and of the *Roman* again by them, and the *Alexandrian*, &c. compel either Party to Obedience?

13. Had the Pope Excommunicated the *Africans* in the long fraction in the days of *Aurelius* and *Austin*, would it have compelled them to Obedience?

14. When the Pope (at last) joyned with *Justinian's* General Council against the *Tria Capitula*, and condemned the refusers of it, did it compel his own neighbour-Bishops to Obedience, when they so generally forsook him, that there were not three Bishops to Consecrate the Pope, but he was fain to use a Presbyter; and when they set up a Patriarch at *Aquileia* as their chief, and condemned or forsook the Pope for near an hundred years?

15. Did the Popes Excommunicating of the *Goths* in *Spain* and other parts, compel them to obey him?

16. Did *Augustines* rejection of the *Britains*, and the *Britains* and *Scots* long refusing Communion with the *Romanists*, compel either Party to obey?

17. Did the Excommunicating of *Leo Isaurus*, *Constantine*, and the rest of the *Iconoclasts*, compel them to obey?

Did the Excommunicating of the *Albigenses* and *Waldenses*, bring them to Obedience? Or was it not (say some Historians) the murder of about two Millions, that *solitudinem fecit, quam vocarunt pacem*?

19. Did the Excommunications of the Emperors, *Frederick*, *Henry*, &c. and their adherents, as the *Venetian* Interdict, compel them to Obedience?

20. Did the Excommunicating of the *German* Protestants, and *Queen Elizabeth*, and the *English* Protestants, bring them to Obedience? How many such instances may I give you?

CHAP. XVII.

Of CONFIRMATION.

Confirmation was (at first) a good Invention of the Church, and *politickly and wisely* ordain'd: not (in *supplement to Infant-Baptism*, for that is sufficient without it) but *to the end*, that when Children come to the years of discretion, and have learned (in the *Church-Catechism*) what their Godfathers and Godmothers vowed and promised for them (as their *Sureties and Pledges*) 'till they came to Age, that they should in their *own persons* vow the same with their *own mouth and consent*, openly before the Congregation.

But it is not a Sacrament, or necessary to Salvation, (as the *Papists* insinuate) for it is certain by God's Word (as said in the Rubrick of (the said *first English Common-Prayer Book* since the Reformation, made in the Reign of) *Edward VI.* That children beeing Baptised (yf they depart out of this lyfe in their infancy) are *undoubtedly saved*: And this Common-Prayer Book (as is said before) is declared to be composed by the *Aid of the Holy Ghost* in the Statute 2 Ed. 6. 1. And there is the Church-Catechism set down, beginning (as ours) *What is your Name?* And ending with these words---And therefore I say---*Amen, so be it.* But our Catechism is much larger, and all of it ought to be learnt by all, before they be (brought to the Bishop to be) confirm'd.

And 'till they can say this Catechism, and give account of it, not (like a Parrot) huddling it over, but sensible, and understanding what they say, shall they be confirm'd by the Bishop, who ought by himself (or such as he shall appoint) Pose them (or Appose them) in it; nor then neither, except they also bring with them one Godfather or Godmother, that every Child may have a Witness of their Confirmation.

Nor then neither ought they to be confirm'd, except the Curate of the Parish where they dwell come along with them, or at least send a Certificate in writing with his hand subscribed thereunto, the Names of all such Persons within his Parish, as he shall think fit to be presented to the Bishop to be confirmed.

And then, if the Bishop, upon Posing them, find them fit, they shall be confirmed in manner as prescrib'd in the Common-Prayer Book.

But are these things observed, or who regards them? I have been 19 or 20 years Rector of the Rectory of *All-Saints* in *Colchester*, and during that time have had three several Bishops or Diocesans:

Gilbert Bishop of *London* never made any Visitation into the Countrey and over his Diocess to confirm any; and yet the same Rubrick says, None shall be admitted to the Blessed Sacrament of the Lord's Supper, 'till they be confirmed; (or desire to be confirmed) which last words are not in the first Common-Prayer Book of *Edw. VI.*

Humphrey Bishop of *London* made but two Visitations, and in the latter never came near *Harwich* and that Countrey by twenty Miles, nor near *Colchester* by above eight Miles.

Henry Bishop of *London* has also made two Visitations, and consequently Confirmations, and several of my Parish have been confirmed by them.

But how? I never gave a Certificate of the Names of such as I thought fit and capable of Confirmation, the Question was never ask'd me, nor of any Minister that I know of; nor Godfathers and Godmothers requir'd (as the Rubrick enjoins) to every one that is confirm'd, nor many (if any) of the children, Men or Women, oppos'd or pos'd by any Bishop, or other by him appointed to examine the fitness of them for the same.

Nor, did I ever see any Bishop ever examine any; if they did, I that was present saw it not done, and I am sure many (if not all) were confirm'd without questioning the matter, or any such said Certificate from the Curate.

Surely, Confirmation was goddily design'd, but a perfunctory performance thereof at all adventures, is quite contrary to the Institution and Act of *Un. 10. 11. 12.*

Nor did I ever hear this essential Question put by the Bishop, namely---*Do ye here, in the presence of God, and of this Congregation, renew the Solemn Promise and Vow that was made in your Name at your Baptism, (nay, some have been confirm'd to my knowledge, that were never baptized) ratifying and confirming the same in your own persons, and acknowledging your selves bound to believe, and to do all those things which your Godfathers and Godmothers then undertook (and most of them, I am sure of my Parish never had any Godfathers or Godmothers, nor their Parents could be persuaded to procure them; or if they were willing, they were not able, by any means or persuasion to procure Sureties to be bound, promise and vow for their Children, or undertake by Vow that they should forsake the Devil and all his works, and obediently keep Gods Holy Will and Commandments) for you.*

Answer---I do.

But I say, there required no Answer where the Question was not put, nor the Answer particularly requir'd of each of them.

For all that was required, (or, I am sure of a great many) was *but to kneel down, whilst the Bishop with a Common-Prayer Book in one hand, and the other hand upon the head of the person to be confirmed, said over each of them, these words.*

Defend (O Lord) this thy Child, (or this thy Servant, if past Infancy or Childhood) with thy heavenly grace, that he may continue thine for ever; and daily increase in thy holy Spirit more and more, until he come unto thy everlasting Kingdom.

But in King Edward VI's Common-Prayer Book, Confirmation was quite another thing, and the words these.

First, The Minister signed them with the Sign of the Crosse, saying---

Signe them, O Lord, and mark them to be thine for ever, by the vertue of thy holy Crosse and Passion: confirme and strengthen them with the inward Unction of thy Holy Ghoste, mercifully unto everlasting life.

Then the Bishop shall *cross them in the forehead*, and lay his hand upon their head, saying,

N. or M. or any other Name.

N. I Signe thee with the Signe of the Crosse, and lay my hand upon thee. In the Name of the Father, and of the Sonne, and of the Holy Ghost. Amen.

But the Prayer preceding (is the very same with ours) observe it.

Almightie everliving God, who hast vouchsafed to regenerate these thy Servants of water and the Holy Ghost; And hast given unto them forgiveness of all their sinnes: Sende down from Heaven we beseeche thee, (O Lord) upon them thy Holy Ghoste the Comforter, with the manifolde giftes of Grace, the Spirite of wysedom and understanding: The Spirite of counsell and gostly strength: The Spirite of knowledge and true godlinesse, and fulfill them (O Lorde) with the Spirite of thy holy feare; (but ours, adde, (onely) now and for ever.

And then this Collect following, is almost the same with that of King Edw. 6. I'll set down only part of it, namely---

Almightie everliving God, whiche makest us bothe to will and to doe those thinges that be good and acceptable unto thy Majestie; we make our humble supplications unto thee for these Children, upon whome (after the example of thy holy Apostles) we have layd our hands, (mark that, for it is the same in our Common-Prayer Book) to certifie them (by this Signe) of thy favour and gracious goodnes towards them: leat thy fatherly hande, &c.

I know, a Bishop being a great person, may (as Majesty uses to do) when he means only his own single act, and single hand, say *we, we*; for so it is said---*we have laid our hands.*

But, how these words---*our hands*, can be meant of the Bishop's laying on his single hand, and but one hand, cannot be reconciled to any Grammar;

For in King Edward VI's Reign, the happy Reformers kept up--Imposition of hands (*not hand*) (as the Collect aforesaid says) after the example of the holy Apostles, and in imitation of the Apostles; laying on of *their hands* upon

upon the Disciples, and thereby conveying to them the gifts of the Holy Ghost.

Therefore the Papists anoint, or have an Unction, in meer Mimickry or Imitation of the Unction of the Holy Ghost; which was not sold, or made of Apothecary Drugs, (as the Papists Unction is,) but purely spiritual gifts of the Holy Ghost, the gift of Tongues, discerning of Spirits, &c.

But they that would fain be accounted *Successors of the Apostles*, and of St. Peter and St. Paul, and love to be called—the *Apostolical men*, would make Confirmation to be performed, or (of right ought) to be performed by *Bishops only*, (who the Papists account to be) the onely Apostolical men, and Successors of the small Prophets or Apostles, St. Matthew, Thomas, &c. and the Pope, the onely Successor of St. Peter, and St. Paul.

But our first Reformers did not confine this Act of Confirmation to a Bishop (alone) but to other his Fellow Presbyters, who signed with the Cross, and said as many words over the head of the Child, as the Bishop himself.

Thus when John was present, Peter did not bid him stand aside; but both of them together laid their hands upon the young Converts, and they received the gifts of the Holy Ghost; in imitation whereof, Confirmation was brought in.

And the Rubrick, makes the Curate or his Certificate a necessary qualification; and that of (King Edw. 6.) the first Reformers, the Minister laid his hands on, or at least, signed the Party with the sign of the Cross, and said words over him; or, prayed over him.

And probably also (as is usual in Ordination) both laid their hands on; or else, what English or Sense is in those words in the Collect—*Upon whom we have laid our hands.*

But now (I say) the Bishop, without the concurrence or consent of the Minister of the Parish (who best knows the state of the Flock) alone confirms all that come; which are very few (God knows) not one (in a hundred, or more) that are baptized;

And those, or most of them, hand over-head, without any previous examination of their fitness:

And therefore who can pray in Faith, or believe what he says and prays, as aforesaid, in these words—God, who hast vouchsafed to Regenerate these thy Servants by water, and the Holy Ghost; (and yet for ought he knows—(I am sure of some) were never baptized so much as by water; over whom (yet) he prays, or ought to pray, in these words, and then—) and hast given unto them forgiveness of all their sins, &c.

Be not deceived, God is not mocked, (saith the Apostle :) But what extravagancy will not men run into, that would grasp all to themselves, contrary to the provision the Law has made for the Minister's consent and concurrence (at least) to this same Confirmation; to his actual laying on of Hands (as well as the Bishops) in King Edward VI's time, and signing with the Cross (as well as the Bishop) and praying over their heads, part of that Prayer that now the Bishop will say alone; but in King Edward VI's Common-Prayer Book, the Minister said alone, before the Bishop toucht the Party to be confirmed.

So that Confirmation, without previous examination and fitness; without Godfather or Godmother for a Witness, and without the Curate's presenting those of his Parish to be confirmed, and certifying their fitness, is not only rash and perfunctory, impertinent and contrary to the great design those had that invented it, but is also illegal, and against Law, and the Act for Uniformity.

Hereafter I may, perhaps, shew at large, when and by whom it was invented; but this for the present, I am clear for the use of it according to Law, but the abuse of it is abominable.

I write this for the observation of the Law, and that such as cry down Nonconformists, and call for Gaols, Stocks, Fines, Excommunications, Suspensions, Deprivations, and Confiscations, may learn Forbearance, Mercy, Humanity and Kindness to humane kind, considering humane frailty so visible in themselves; and may not with the same mouth opened against other Nonconformists, at the

same time, pronounce their own doom, and deprivation of their spiritual Promotions, that are worth the keeping and tugging for.

And may learn to be quiet, and bless Almighty God, that they are so well on't themselves, and never vex themselves to vex others, breathing out nothing but mischief and ruine, to such as are loth to unman themselves by servile Balenels, Flattery and Sycophantry.

For my part, I would much rather cease to be a Clergyman, than cease to be an Honest man, an Englishman, and a Gentleman :

Which ne'r a Flattering Pimp and Sycophant in England can possibly be.

In short, Confirmation is either good for something, or good for nothing; either good, fit and expedient, or not expedient.

If it be not expedient, Why is it put into the Common-Prayer Book, or so much as (once) perfunctorily practis'd?

If it be good for something (which I readily grant) then why is it not us'd, but abus'd?

1. Why is it ever us'd by a Bishop, rashly, hand over-head, Hickletce-Picketee, to all that kneel down, whether baptiz'd, or unbaptiz'd; whether they can, or cannot say their Catechism; whether they have Godfathers and Godmothers, along with them, or though they never had any such Godfathers or Sureties, but tell Stories, when they say--- They did promise and vow three things in my name, &c. as in the Catechism: And not one word of all the three is true, or was ever promis'd or vow'd by any body, no, not by their own Parents, who, one would think, ought to be most concern'd both in the Vow and Performance?

2. Why does not the Bishop require the Significavit from the Parish-Minister, of the Truth of the Premises, and the fitness of those that are to be confirmed; but this 'tis to do all alone, what is impossible to be well done by any one man.

3. Why does not the Bishop go to all the Parishes in his Diocese, to confirm the Souls that are therein? It is his work, and he is well paid for the same. And why onely, at a great Town, two or three, where there is a great Inn, and good Accommodation? I am confident St. Paul never sent his Harbinger before him, (when he went to visit the Brethren, and see how they did; and by Preaching, confirmed or strengthened the Souls of the young Converts;) or, when his Harbinger return'd with sad News of cold comfort and accommodation, stopt his Coach, and fac't about to the next good Town.

4. Is not the Souls of Villagers and Countrey-Folk, as dear to God, and (ought to be as dear) to a Bishop, as those of the Citizens and Towns of good Trade and Accommodation?

5. If Confirmation be onely a Bishop's work, and also a needful work, (as the Common-Prayer Book seems to say) then why is not Confirmation the Bishop's daily work, if the People want such daily bread?

And the Unconfirmed Persons and Children (in London, Westminster, and Lines of Communication) cannot possibly by one Bishop be confirmed in Twenty Years, (though he do nothing else, every day in the week, without resting the Sabbath) although he confirmed Forty every day; which are as many as he can well examine, (as the Law and Reason admonishes they ought to be examin'd) though both his Chaplains were his Assistants in so solemn and grand Inquest, on which the receiving of the blessed Sacrament of the Lord's Supper does depend; and to which such serious and previous Precaution is so necessarily requisite.

And by that time the Bishop and his Chaplains have spent twenty years in so good a work, they had need begin their Circuit again, for in those 20 years, a new Generation will arise, that will need their helping hand as much as the former, and so for ever would the Bishop of London be employ'd in London onely; and then what would become of three Counties more, Essex, Middlesex, and Hertfordshire? How should we in the Countrey make shift without Visitations, Procurations, Confirmations, Institutions, Inductions, Consecrations and Ordinations; for which the Bishop could spare no time, if he have his hands full of Little London onely? Wherein are more Professors of Christianity, than were in a thousand Bishopsricks in the Primitive Times?

6. If *Confirmation*, and the said *previous examination* and capacity be requisite, (as the Rubrick asserts and enjoins) then will not greater Inconveniences necessarily follow? Namely, either making *Diocesses* less, and after the Primitive Mode, and like the Primitive Christians, (when no Bishop had above one Altar, nor more of his Diocess than his Chancel and Church would well hold:) as is sufficiently and undeniably prov'd by Mr. *Baxter*, in his Treatise of Episcopacy: a Parish and a Diocess signifying one and the same thing, and some (one) of our Parishes (as *Stepney*, *St. Martins*, *St. Gyles's*, *St. Andrews Holborn*, &c. the least whereof) would make an Hundred Primitive Diocesses; nay, it is well if an Hundred Bishops could look well after one of them Parishes, as they ought to be look'd after. Four hundred years after Christ, in *Augustine's* time, at a *Conference Provincial*, there were 286 Bishops, and 120 absent, and 60 Sees vacant; 486 Bishops in one Province. Or else, if the Diocesses continue so vast, then *Suffragan-Bishops*, and *Chorepiscopi* must necessarily come into Play again, or else *Confirmation* (must either *not be done*, or *not done as it ought*, and as is required by the Statute to be done;) impossible to be done throughout a whole Diocess by any one man or Bishop, in such manner as the Law enacts.

So that necessarily either the *Diocesses* must be made less, or my Lords the Bishops (by *Bishop-Suffragans*) augmented in Number, or else *Confirmation* taken out of the *Common-Prayer Book*, or at least altered.

'Tis a Fable to say, That *Atlas* (alone) bore up the Heavenly Globe on his single Shoulders, 'tis a Burden too great for any individual mortal man; and so is the Office of a *Diocesan-Bishop* at this day, except his work be made less, or his Helps in Government more and greater.

By Helps in Government, I do not mean *Excommunicating Helps* in Government, Lay-Chancellors, Doctors, Proctors, Registers, Vice-Registers, &c.

But *Saving Helps*, and *Confirming Helps*, *Chorepiscopi*, *Suffragan-Bishops*; a word no (Nuisance, nor a) stranger to our *English Language*.

But will that old Remedy of *Suffragan-Bishops* be ever listned unto? What Bishop alive will be guilty of so much---*Self-denial*, (as conscious of his own Inability, or rather Impossibility, for the discharge of so great a Cure and work) as to take in Partners and Comrades to so high a Chair, where (some think) there's room little enough in all Conscience for one Corps.

I confess it would shew great Zeal in my Lords the Bishops, and Obedience to the celebrated Act of Uniformity, if to shew their Conformity thereunto, and their Love to *Episcopal Confirmation*, they should Surrogate many *Suffragan Bishops*, as Coadjutors in so blessed a work; and would chronicle them, and renown them to all Posterity, and entitle them to the great Honor of being *Conformists* in After-Ages.

But some men do not love Honor so well, as to purchase it at so dear a Rate: For in all Conscience the *Suffragan-Bishops* that share in the Pains, might honestly put in their Spoons for a Meals-meat, and share in the Gains.

For that very Trick therefore, I do not expect to live to see such a Primitive Face of the Church in this Iron Age, nor so much Tendernefs and Conscientiousness in the discharge of Duty and Self-denial in any Bishop; but I wish I could see it. In the Interim, as I hap to meet with them, I will see if I can persuade them to't, because the Harvest is so great, and the Labourers too few, no wonder, so much good Corn is lost, (amongst the *Nonconformists* and *Quakers*) and shakes in the Field, for want of more hands to the work, the mighty work of *Confirmation*.

Nothing can be more apposite and seasonable to conclude this Essay, (than His Most Gracious Majesties Declaration (pag. 11.) published Anno Domini 1660.) to vindicate it from all appearance of Novelty; in these words:

"Because the Diocesses, especially some of them, are thought to be of too large Extent, We will appoint such a Number of Suffragan Bishops, in every Diocess, as shall be sufficient for the due performance of their work."

2. "No Bishop shall ordain or exercise any part of Jurisdiction which appertaineth to the Censures of the Church, without the advice and assistance of the Presbyters: And no Chancellors, Commissaries or Officials, as

such, shall exercise any Act of Spiritual Jurisdiction, in these Cases, viz. Excommunication, Absolution, &c."

"As to Excommunication, Our Will and Pleasure is, That no Chancellor, Commissary or Official, Decree any

" Sentence of Excommunication or Absolution (Yet I my self was Absolv'd by Dr. Pinfold, and Dr. Stearnes, two Lay-Doctors, in the Delegates, no Presbyter being present; Quære, Whether the Statute aforesaid, 25 H. 8. 19. which alone constitutes the Delegates, gives such Delegates power to Excommunicate and Absolve? how come they by the Power of the Keys?)

" Nor shall the Archdeacon exercise any Jurisdiction without the Advice of Six Ministers of his Archdeaconsry, whereof Three to be nominated by the Bishop, and Three by the Election of the Major part of the Presbyters within the Archdeaconsry.

4. " To the End the Dean and Chapters may the better be fitted to afford Counsel and Assistance to the Bishops both in Ordination, and other Offices mentioned before, &c. Moreover, an equal Number to those of the Chapter of the most learned, pious, and discreet Presbyters of the same Diocess, annually Chosen by the Major Vote of all the Presbyters of that Diocess present at the Election, shall be always advising and assisting together with those of the Chapter in all Ordinations, and every part of Jurisdiction which appertains to the Censure of the Church; and at all other solemn and important Actions, in the Exercise of the Ecclesiastical Jurisdiction, wherein any of the Ministry are concern'd.

— " And Our Will is, That the great work of Ordination be constantly and solemnly performed by the Bishop, and his aforesaid Presbytery. —

5. " We will take Care that Confirmation be rightly and solemnly performed, by the Information and with the Consent of the Minister of the place—who shall admit none to the Lord's Supper, till they have made a credible Profession of their Faith, and promised Obedience, &c.

This was the Judgment of His Majesty, in that Declaration, (which see at large) to which the Parliament, that made the Act of Uniformity, gave so much Deference and Reverence, That they Publickly gave His Majesty Thanks for the same.

And as to the matter in hand, concerning Confirmation, they Enacted it almost to a Tittle, which see in the Rubrick, foregoing that Sacred Office: But who is Conformable thereunto, and who are the Nonconformists now? And who makes a pause in the work, 'till first be obtained the Information and Consent of the Minister of the place, without which (in the Judgment of His Gracious Majesty) Confirmation could not be rightly and solemnly performed?

It has been prov'd, that if a *Diocesan-Bishop* had no other work, besides Confirmation only, it is impossible that all the Bishops in England should confirm those that want Confirmation in this one only Diocess of London, though they did nothing else, and left their own Sees vacant, if they observe the Rubrick and Act of Uniformity, and not do it (as is too frequent) perfunctorily, and shamefully, but with such previous caution, scrutiny, examination and circumspection, and with Certificates thereof, and Godfathers and Godmothers, as the Common-Prayer-Book enjoyns.

Grant Confirmation to be a good and needful work, yet the Law enjoyns Impossibilities, if no one man can possibly be sufficient for these things, though he shake off all worldly Affairs and Counsels.

Again, If a *Diocesan-Bishop* had no other work but only to teach and exhort his Flock, (publickly, and from House to House, as Ignatius tells us, all Bishops did in his time, in the second Century, before ever any *Diocesan-Bishops* were heard of; for Bishops then were to enquire after every one by name, even Manservants and Maid-servants) even this necessary feeding-work of a good Shepherd would be fully employed in a single Parish: and in such a Parish as Saint Andrews-Holborn, London, there would be work enough for the Bishop and his Dean, though the Lecturer and Reader came in to help.

For no Bishop in the Primitive-times, nor 'till Pope Silvester I. had more than one Flock, one Altar, one Church, nor then neither, except only in Rome and Alexandria: Indeed, the Apostles that had the Gift of Tongues travelled all Nations, and were Itinerant Preachers for the most part, but I speak of settled, standing Officers of the Church, called Bishops, or, which is all one, (in Scripture-Language, as Dr. Hammond, Jo. Gerson, Grotius, and most learned men generally agree to be all one with) Presbyters; for a Sub-Presbyter (such as Parish-Priests are made in England) is not to be found in the Holy-Scripture of the New-Testament, nor the Prime-Primitive-times.

How then? and when did *Diocesan-Bishops* come into the World? and wherefore? may some say.

To which I will answer, but not before some-body answer me this Question, How, when and wherefore, Hell and Devils came into the World? for from the beginning Hell and Devils were not.

Some say, it was Pride and Ambition that made Angels of Darknes of those that were first Angels of Light; *Lucifer* would be like his Maker, ambitious for Rule and Domineering, and, like God, to be Omnipresent and Ubiquitary: Therefore, Down *Lucifer*, Down to Hell, and be condemned (said the Almighty) to Everlasting Chains of Darknes to the Judgment of the Great Day.

History (*Ecclesiastical*) tells us that the *Chorepiscopi*, or *Country-Bishops*, (just like the *Rectors* of the Parishes, saving the Name; nay, even the Name too of *Prelates* (and *Hierarchici*) was given to Parish-Presbyters, (though Parishes are no antient Invention) *Presbyteri qui præsunt Ecclesiis, &c. Concil. Aquisgr.* and the Learned *Filescus*, p. 576, 577. proves it abundantly, that *Presbyters* were called *Prelates*, as well as *Bishops*, *Episcoporum instar suam habebant plebem regendam*; I say, the *Chorepiscopi* were dismist of their Authority by the rich adjoining *City-Bishops*,---*ne vilescat nomen Episcopi*---poor *Country-Bishops*, that have no Lordly Equipage, will make the name of Bishop cheap, and vile, and vulgar.

Ay, Ay, so it will; What? Can a *Lord-Bishop* sound like a Lordly Name, when poor fellows, such as *St. Paul*, the Tent-maker, and *St. Peter* the Fisherman, and poor *Country, Rural, Beggarly Bishops*, pretend to the same Power and Authority in Name and Thing?

Can the name of a Bishop sound Lordly and Domineering over the rest of the Brethren of the Clergy, if it be common to every beggarly Minister of Christ, and Steward of the Mysteries?

Therefore, make Room, and enlarge the Boundaries, the Arch-bishoprick of *Tork* was glad to swallow seven little Bishopricks at one gulp to make it swell but to the bigness it is now of, yet lopt and cropt.

Can the Tythes of a single Parish maintaia six Lackqueys, six Grooms, and as many idle Gentlemen: or, (as the *Dutch* style them) idle men? Can lean Easter-Offerings buy a guilt Coach? Come---tell me that; Or can a single Acre of melancholly and solitary Glebe-land make fat six *Flanders-Jades*, or Coach-Horses? No---you must say, No---why then read the Learned History of the Council of *Trent*, compos'd by Father *Paulus*, a Papist, but as great an Enemy of proud Prelacy, as any Protestant; he will tell you, in Page 330, 331, 332, 333. How *Grandieus*, *Grandieus*---And make Room there---*Sirrah*, for my Lord Bishop---(after the Emperors became Christian, crept gradually, and stole into the Church, unknown to the Primitive and New-Testament sanctity.)

I owe the Pope one touch more of my Pen, if it be but for bringing in, maintaining, abetting, and promoting Prelatical and Ecclesiastical Lordliness and Domineering, in spight of his (vaunted) Predecessor *St. Peter*, and in spight of our Blessed Saviour; to both which he vaunts himself to be the Vicar or Vicegerent.

1 Pet. 5. 3.
Luke 22.

Luther's single Pen gave his Holiness such a crook or senatch, the wretch has look't ugly and deform'd ever since, to all Christendom, that have but eyes of Reason or Religion, or any heart of a man in them, to see (with pity) the Butcheries of that cruel man of sin, surrounded and upheld by Curses, Excommunications, Abolutions, Inquisitions, Writs and Goals.

St. Peter indeed was put into a Goal, but he got out without paying any Fee, and never help't any man to a Goal by cursing him, or help't the Goaler to his Fees, much less, *Gregory*.

Of old, the Heathens Persecuted the Christians, now Christians (in name, I mean) Perfecute Christians more cruelly than those under *Mahomet* and the Great Turk.

Oh the Impudence, as well as the Villany and Bloody Hypocrisie of such Religion; 'twas this Blood-red Religion---that made the *Indian* Heaven to forswear, because he heard the *Spaniards* were there.

Gore-blood Religion thus Confoundeth
The Naked Truth with Blood and Wounds.

Conniving at known Whores and Whoremasters, Atheists, Infidels, Debauchees, Drunkards, Cursers, Swearers and Blasphemers; I wonder who ever saw a Whore, or Whoremaster, call'd to *Doctors-Commons*, or other Court-Ecclesiastical, and do Penance in a White-Sheet, since the Restauration of his Gracious Majesty? I never did, they find fairer Quarter, Spiritual-Courts are no Bawdy-Courts, I would have you know. But does any man speak against their Fees? or bring down the Fee of a Marriage from 15 s. to poor 5 s. or dare speak against Illegal Ceremonies, bowing, and ducking, and cringing to the East, to the Altar, towards the lighted Candles?--

Where is the Villain? stop his Mouth, Gagg him, Pillory him, Crop him, Curse him, Excommunicate him, Gaol him; nay, Man-catch him, Indict him, Sue him, Vex him, Plague the *Tom-Tell-Truth*: nay, hang him, if possible.

What should he do in a Church, where a *Tory-Teague*, newly Converted thereunto, *Fast and Trot*, *Joy*, shall have fairer Quarter?

But is there any Christianity, Law, Equity, Reason or Conscience for such Methods? or to damn a man by Proxy or Deputy, Gaol a man by Proxy, feed the Flock by Proxy; well, let men do to themselves what they do to others, and feed themselves (too) only by Proxy and Deputy, and see if, in a little while, they do not look as lean and cadaverous, as the poor starv'd Flock that is fed by Proxy, and rul'd by Proxy and Deputies, and under Officers, Chancellors, Officials, Surrogates, Registers and Apparitors.

Shall Wolves in Sheeps-cloathing (that have Nays, and Teeth, and Fangs) (behold the Print) govern the Sheep of Christ, (that neither knows them, nor are known by them) jealous and zealous far more for the breach of a Ceremony, Human Laws, their own profit and honour at ten thousand times more, than Adulterers, Blasphemers, &c. breaker of Laws Divine, and dishonourers of the Almighty God; oh the abominable Hypocrisie of such Religion!

Worms-meat (Acts 12. 23.) shall know that God will not be mocked.

The CONCLUSION.

Thus you see (*my gentle Readers*) what an Example the Ecclesiastical-men have made of me; in plaguing me in their Spiritual-Courts as you have heard, and at the *Affizes* and *Crown-Office* (and in the name of our Good and Gracious King too) for *Barretry*, *Barretry*---

And will not this be a terror to all *English-men* (for the future) for ever writing or speaking any more *Naked-Truths* against them, and their Extortions, and Illegal and unconscionable Fees in the Courts of Conscience, or *Courts-Christian*, in Probates of Wills, Letters of Administrations, Ordinations, Institutions, Inductions and Sequestrations; Licences, Indulgences and Dispensations; Absolutions, Suspensions and Excommunications; Synodals, Procurations and Visitations, &c.

There were more old *Naked-Truths* to the same purpose made against them, for the like Crimes; namely, the said Statutes, as 31 *Edw.* 3. 5.---3 *Hen.* 5. 1.---and 21 *Hen.* 8. 5, &c. And why did they not fret and gnash their Teeth, (as well also) against those *Naked-Truths*?

They durst not, but they dare and do (to this day) live in defiance of the said *Naked-Truths* and Statutes, (the more bold and overbold they, you'll say) but they cannot for fear of a *Præmunire*) call a Statute and Parliament-men to account before them, & *coram nobis*, as formerly into the Star-Chamber and High-Commission-Court; no, not now.

Dat Deus immiti cornua curti bovi.

Curst Cows have short Horns, saith the Proverb.

But *fanum in cornu* still: I had need be shie of them.

For besides the said Promotion of the said Henry Bishop of London against me in the *Archies*, and Barretry in the *Kings-Bench* (in both which they have hitherto no cause to glory or rejoice, praised be Almighty God for his help and assistance.)

There is (Still) another Vexation and Law-Suit brought against me, and in the *Kings-Bench* too, and at the Suit of the said Henry Bishop of London, upon the Statute--- *Scandalum Magnatum*, 2 Rich. 2. 5.

Help me still (good God!) when shall we have done?

Burthen upon Burthen, Suit upon Suit, Vexation upon Vexations, Canons upon Canons, Burthens and Canons, enow (one would think) almost to sink a stout Frigate, or Bluffe Man of War.

Indeed that Statute was made, when *Popish Prelaty* was in its Splendor and Meridian, (they even made what Laws they list) yet the *House of Commons* have attempted at it, more than once; and our blessed Saviour absolutely condemns all *Clergy-Domineering* one over another, that whatever the Princes of the Gentiles do, in exercising Lordship and Dominion over one another, yet his *Clergy* shew'd not do so; 'tis a shame (especially) for *Apostolical men*, and such as pretend to be the Successors of the Apostles, that they should not be as ambitious also to succeed them in their *Christian humility*, and Brotherly kindness.

And I have read somewhere, (I think in *Cook's Institutes*) That all Laws of men are *ipso facto* null and void, if contrary to the Laws of Christ.

And this Scandal (*forsooth*) must be sworn too by the said little Vicar *Harris*, an incomparable person, that not being able to defeat me of my *ancient Rights* and Profits of my said Parish of *St. Buttolphs* in *Colchester*, (which have been enjoyed by me above 20 years, and by my Predecessors, *Rectors of All-Saints*, about Sixscore years before, even since the dissolution of Monasteries, yet) the said Henry Bishop of London granted the said *Harris* a Sequestration of them, but in vain; yet some hope 'tis not in vain to bring the said Action of *Scandalum Magnatum* against me, and the said *Harris* has sworn it already, and the said Bishop has declar'd against me accordingly, That I should say, the said Bishop was ignorant and impudent, and had a hand in the Plot (and that I thereby meant) that the said Bishop had a hand in the *Popish Plot*, or to that effect.

I have heard that the said Bishop has (of all Bishops) been accounted (without reflection) the Protestant Bishop with an Emphasis.

But that (ever) any Man should imagine that he was Popishly affected, much less, that ever he had a hand in the *Popish Plot*, (many People say also there is no such Plot) never, never sure yet came into any Man's Noddle (how extravagant soever) to conceive.

And if I had hapned to have such a senseless Thought, that I should be so *Bedlam-mad*, to make the said *Harris* my Privy-Councillor, (that came to eat the Bread out of my mouth, and (I thank God) never frequented such Mens Companies, much less Familiarity) is no more possible for any reasonable and unprejudic'd Men to credit or believe, than that I should impart and communicate such fond Scandals to some *Irish Tories*.

Man-catching will, in time, be out of Fashion surely; and I live in hopes, that *Honesty* and *Christianity* will never be so much decry'd in England, as it is, at this day in Italy, where, (when they would express Emphatically, that a Man is an Errant-Fool) they describe him with this opprobrious Paraphrase, saying--The Man is a Christian; meaning thereby, he is so much a Coxcomb, that he ought to be beg'd for a Fool.

'Tis a mighty pretty Age we live in, to be Recorded and Chronicled to Posterity; new and monstrous Diseases, require new and sharper Remedies.

And I wish there were a Law, a severe Law made against Suborners and Man-catchers, that they might fall into the same Pit that they dig for others; or, as *Perillus*, might hance their own Brazen-Bull; or, like *Adonibezek*, undergo the same Punishment cruelly invented for others; And that (like him) they might have cause to say, *Judges* ii. 7. As I have done, (or endeavor'd to do, for hers (as in Treasons) we must take the Will for the Deed) so God hath requited me.

*Nec Lex est Justior ulla
Quam necis Artifices arte perire sua.*

'Tis fit, Death's Engineers handsel and try
Their own Inventions of Mortality.

Or thus :

'Tis fit, Men witty to destroy, should try
Their own Machines of Death, and by them dy.

And then, from the *least of us*, even to the *greatest of us*, we might well tremble to do to others what we should be loth to be done to us, to the hazard or loss, not only of Life, Liberty, but Estate and Family, Honours and Inheritance, in urging, moving, stimulating, persuading and tempting with Money, Lands, Preferment, Preferment, (for there are two sorts of Preferment belike) and sometimes with Menaces and Threatnings to enforce men to damn their own Souls, to murder the Innocent, by form of Law.

Jezabel nick't it in Politicks, when (by the plausible assistance of False Swearers and Man-catchers by her, and her Ministers suborn'd (thereunto) she made the Law, the righteous Law contribute and club to the knocking out Naboth's brains, in hopes and prospect of the pleasant Vineyard.

Heaven be prais'd in England for a Prince made up of Mercy and Goodness, admitting no Impressions to gratifie sinister Ends and Designs, or, Revenge, Revenge :

Which to a polluted Palate and Gusto, (out of taste, and contaminated with malice and wickedness) relishes and smach's more sweet (as he said) than Muscadine and Eggs :

Yet it leaves a curst Farewell ; Will it not be bitterness in the latter end ?

'Tis an unhappy time, and miserable, when, in a Christian Realm, it happens to prove dangerous, or fatal to a man to speak Truth.

Tacitus tells us, That it was the happiness of the glorious Reign of Nerva; that every man might think what he pleas'd, and speak what he thought : nor was it to be fear'd, that any man should speak against Nerva's Government; wherein no good man could possibly live uneasie.

But now, since our late unhappy Confusions, it has been thought meet, and (without all Controversie) upon legal and substantial Reasons, to alter that old English Maxim--- That words may make an Heretick, but not a Traytor ;

Who, if I might have my wish, should not live a moment.

For Treason, as it is the blackest of Crimes on this side Hell, so it is attended (and most justly) with the most dismal punishments, and everlasting ; reaching not only to the loss of the Traytor's Life, Honour and Estate, but extending for ever to his Posterity.

And therefore the Law of England (that is so tender of the Life of a Man, that a Butcher (us'd to Blood, though but of Bullocks and Beasts) is not permitted to be empanel'd upon a Jury of Life and Death, as I have heard) is much more tender of the Life and Livelihood of a whole Family and Posterity.

And therefore it does well, to require that such a Crime as Treason should be well prov'd by honest and legal men, such as fear God and an Oath, not such vile Shacks as will swear an hundred Oaths for Nothing, or a Whisker for Something.

Nay, by the Evil Law, (which is the Municipal Law of most Nations in Christendom) a poor beggarly Rascal is not admitted to be a Witness in any case; *Persona vili non facile creditur.*

For Poverty is a temptation to Perjury, with very very easie Subornation, and therefore Suborners do usually (as Jaundice-People do for Lice) search the Gaols for such kind of Carrel, and for Men in Necessity.

Wisely (for this cause) does Agur pray to God against Poverty, lest he should take the Name of God in vain ; (that is) lest he should through Poverty

ty be the more easily tempted to Perjury, or to forswear himself, Prov. 30. 9.

And God forbid that Villany should ever be more prosperous than Innocence; or that the Devil should Reign so powerfully in Mens Hearts and Consciences, that Truth should not dare to walk Naked in Christendom; but be forc'd never to appear in Publick, but (like a Champion in the Lists) arm'd Cap-a-pee for fear of the Enemy.

God forbid, That England should have the Plague again, and waste and consume with so mortal a Malady without a Remedy; or that the righteous Law, (the best Remedy) should so be abus'd, as to make the Remedy worse than the Disease, or exasperating the Humors confederate with the Disease.

That High-Priest was a Devil Incarnate, that (under colour of his Sacred Robe and Function) poyson'd his Adversary with the Consecrated Host or Sacrament, making the Bread of Life his Bane.

And hard is the hap of those Patients, that are left to the sad choice, either to dye by their Disease, or by the Remedy, the hand of the Physician; --- hang such choice.

Thus Statesmen that consider not the design of God, and the order of Nature, in such infinite variety of Faces, Features and Complexions, in defiance and despatch thereof, will not follow those best and surest Guides, but by excentrick motions of their own, to make all men alike and uniform, (which is impossible) sometimes deform all things: The Church is not the less, but the more beautiful for its precious stones, although they be of different and divers colours; and this is promis'd, Isa. 54. 11. Nor is it to be done, what some People contrive to make all men, or all Christians alike and uniform, except by putting out all mens Eyes, and cutting off their Noses; which is a bloody, bungling, ugly, monstrous, misshapen, unnatural massacring, horrid and cruel method, and yet then, even then, there will be some Non-conformity; Alas! alas! the old Garment of the Church was not of one colour, but wrought about with divers colours. St. Peter of one judgment, and St. Paul of another. The Samaritans would not receive Jesus Christ, whereupon James and John were clearly for an Inquisition, Fire (and Fagot) to consume them, Luke 9. 54, 55, 56. But the Lord of life, rebuked them, and told them, They knew not what manner of spirit they were of, for the Son of man came not to destroy Mens Lives, but to save them. What's worse, then for Nursing Fathers to become Saturns, and devour their own Off-spring? Let Magistrates rather imitate God, that sends his Rains upon the just and unjust; the Sun shines on Dunghills, as well as Gardens. Yet some Men are so hardened to Folly herein, that they will not be taught, no, not by their own Mistresses, Experience, woful Experience, the Mistresses of Fools.

Did not the Spaniard lose the United Provinces of Holland, &c. by forcing Men to Popish Uniformity with Fines, Jayles, Confiscations, or the Inquisition? Eating up God's People, as they eat Bread; and making God's House (that should be an House of Prayer) a Den of Thieves.

And are not the said United Provinces by the contrary Arts and Politicks (of Latitude and Comprehension) become the great Arcenal of Arts and Arms; and the great Mart, not only of Europe, but of the whole world?

And the Blood and Ruine (that those Draco's Laws writ in blood by the High-Commission Court, Jayles and Pillories caus'd in England) is too fresh in most Mens memories to need repeating: Thus the Spaniard converts the Americans, forcing them to Heaven upon pain of death.

Nor could all the Art of Man or Rome to this day find any medium, or middle way betwixt Freedom and Force; betwixt Liberty of Conscience, and an Inquisition in Spain: For Force is force, though severer in some places more than other; and is but the Inquisition in Characters, or Short-hand; they are of the same Nature, begot and made of the same Principles, and malus Cervus, malum Ovis; a good Bird cannot come of an ill Egg.

But Solomon says, Bray a Fool in a Mortar, yet will not his Folly depart from him;

him ; as if he should say, *Fools must be beaten to't* (like the Wives of *Moscow*) before they be good.

Go, *Wise-men* go---go make the Stars of Heaven all alike, *uniform*, and of equal bigness, light and influence, with your Projects for *Uniformity* ; or *play the Taylors*, and cut out a Coat of *uniform shape* daily, to fit the Moon from day to day.

But let fierce and fiery Persecutors (of all that are *not uniform* like their Infallibilities) hug themselves, and hug one another, in the laudable employment of an *Executioner*, undaunted with the fatal success of *Nero's*, *Dioclesians*, *Julian's* the Apostates, and all such, in all Ages, none whereof (so sure is Divine Vengeance entail'd upon them without so much as one Exception in the *Horrid Rubrick*) ever escaped dismal Exit's ; whilst every honest Man amongst us, will no more fear to act than to suffer, with a *Courage* that becomes a *Christian*, and an *English-man*. Read a Prophecie of the nature and downfall of the High-Commission-Court, Inquisition or Persecution, in *Luke* 12. 45, 46. Time was, when *Athanasius* himself was cry'd down for an *Heretick* : For *Truth* can subsist comfortably amongst Christians, in the absence and want of outward Peace.

But neither outward nor inward Peace can subsist long amongst Christians in the absence and want of Truth.

Of old, *English-men* could praise God, some *secundum usum Sarum*, some *secundum usum Bangor*, (as every one liked best) and no quarrel about the matter.

The Cope then and Surplice (we see) should still, by the Act of *Uniformity*, be retain'd amongst us ; but, only at the Celebration of the Holy Communion (in King *Edw. VI.* time) commonly called the *Mass*, and are the very garments the Popish Priests wear at this day whilst they say *Mass*.

But you do not hear me say, (as one rashly did) That the English shov'd the Pope out of Doors so hastily, that he had not time to take his Garments with him.

Nor yet with the Brain-sick Bishop of London, bloody Bonner, jearing (when he heard that we had retain'd some of the Romish Ceremonies and Weeds) said ; So, so, they have begun to tast of our Broth, and in time they'l eat of our Beef.

(But 'tis so fat, larded and luscious, that he must have an Ostrich-stomack, a raving Boulimy, or the Canine-appetite and hungry Fever, than can swallow all that comes (as most people do) without chewing.)

God bless us, from such London Bishops, for they have been ominous sometimes.

Thus have I, at mine own peril, without faith or hope in any man's assistance (for there are few men of Truth, or friends to Truth, or true friends in this World of Flattery and Hypocrisie) but only by the assistance and infused courage from God alone, have I made this bold Adventure, to tell bold Truths ; such as no man else either did, or durst, to charge all the cringing Clergy with Non-Conformity, that use to be so washpish, stinging and stingy, against Non-Conformists.

For now they'l be sensible that at the same time that they roar out *Anathema's* against all Non-Conformists, and egg on every little Jury-man and Church-Warden to Present them, they do with the same out-stretched jaws and open mouth publish their own Doom, and Sentence themselves amongst the rest.

And is it not just, that quarrellsome men that love to be dealing Blows amongst the quiet Neighbourhood, should meet with some rugged Counter-Buffes, when the old man is too much provok't ?

We see 'tis some Priviledg to sin in good Company, in the Company of Singing-boys, Singing-men, Bishops, Canons, Prebends, petty Canons, and Cathedral-men, especially when they are not only great, but cruel and fierce to mark what is done amiss ; nay, and to strike too, if it were not for fear of hitting themselves.

Gramercy Charity---or rather self-love : which last I usually look't upon as a Weed (and so it is) but I see it is good for something ; nay, more medicinal, and has more vertue in it (we see) than some mens charities.

Then, Charity, (*Hussy* !) stand off, keep your 'loof and your distance, all you could do for Dissenting-Judgments (hitherto) has come to nothing, what pre-vailling Rhetorick can there be in cold Charity, especially this Frosty Weather ?

And

And come hither my dear---my dear self-love---Gramercy self-love, for thy sake alone Non-Conformists shall be hereafter more conniv'd, wink'd at, and embrac't: The mercies of the wicked are cruelty, but the self-love of the wicked is their only charity, and the only remedy against their cruelty.

Blessed be God (for I have found it true by frequent, repeated and multiplied experience) that the more opposition and rage I have been expos'd to, by the malice and cruelty of wicked and revengeful men, the more extraordinary assistance I have had from God in some remarkable, unexpected and strange Providence.

No man of my Quality having been more oppos'd, and no man of my Quality more Blest and Protected; depressa resurgo, says the Palm-tree; more weight, more height; like Israel, the more they were afflicted, the more they grew.

God give a blessing to my poor endeavours to do much good, if (at least) they have but so much vertue as Common Ink, to allay the spreading venom of such Ringworms, whose fingers itch to be at it, in the Portugal, and Spanish-mode of Inquisition and Persecution; which has made a Desolation, Rebellion, Poverty, want of Trade, and Depopulation in those Countries, rather than any great Conversion (how Hypocritical soever) to the Roman Faith.

But, ye fools, when will ye be wise, saith holy David, Psal. 94. 8. as if he should say, Will you---ne'r be good? 'till you're beaten to't with your own rods?

Go to---and let men of little and narrow Souls (incapable of any love or regard to the publick good, and their Countries welfare) smile at the Improvidence of such as (like Lamps and Torches) waste, scorch, and consume themselves to enlighten others.

And if the Cathedral Highflyers, or any Bishops be offended that I have thus publickly rebuk't before all their publick transgressions, and defiance of the Act of Uniformity, in the said Illegal Rites and Ceremonies, they may (in part) thank the peevishness and forwardness of some that occasion'd it; irritated perhaps thereunto by that old inveterate and everlasting piece of malice and hatred, S. J. S. who has always (though always, in conclusion, to his own shame and loss) endeavour'd to set men upon me, by getting false Calumnies and Slaunders invented in his hollow and canker'd Breast, to which one-ear'd men giving credit, and therewith also prejudic't and pre-possess't, and (knowing my Spirit and Temper, not over-patient to bear Affronts) he knew there would be (what he labour'd for) a Quarrel: I know it is a Devilish thing, and the very daily work of the Devil, to devise wicked imaginations, and with a proud look, lying tongue, hands ready to shed innocent Blood, and feet that be swift in running to mischief, to be a false witness that speaketh lies, only to sow discord amongst Brethren:

And are the six, or rather seven things that are abomination to the Almighty, Prov. 6. 16, 17, 18, 19.

Yet, he that created Light out of Darkness, and life preservation to Israel, ought of the malice of Joseph's Brethren in selling him to the Gypsies, and unity and amity to his people by mens Differences and Dissentions, can (and I hope will) create beauty and order out of our Confusions, Chaos, Disorders and Discords, and out of the eater bring forth meat, and out of the strong sweetness, and Truth and Light from the Collisions, Interferings, and mutual strikings of the hardest and blackest Flints.

Thus the contentions of Paul and Barnabas tended (by their Parting and Dissentions) to the more nimble Propagation of the Naked Truth.

Therefore be not all of a flame, like that fiery-fac'd bloody Bishop Bonner, against all Dissenters and Non-conformists, Bandyng and Eschoing the word, Heretick; Heretick, at one another, and to and again.

For the servant of the Lord should not strive, should not be a Jupiter Altitonans, a Boanerges, all for consuming and destroying with fire from Heaven, or Earth; (ye know not what manner of spirits ye are of.)

A Bishop should not be a striker, μη πλάκτος, (that is) no Persecutor, no striking (at second hand) signifying and giving aim to the Magistrate, where, and whom, and when to strike, as well as no Gladiator, μη δμαχος, not a litigious In-

former nor Promoter, but a stranger to Law-Suits and Contentions, (as Plaintiff especially) either through covetousness, in hopes thereby to *enrich* themselves by *beggaring* their Brethren, like the said *old Bonner*, that seem'd to be *in Fee* with the Gaolers and the Hangman.

But bid *farewel* to the plum'd Troops and the *big Wars*, that make *Revenge* *vertue*; but in patience forbearance, temperance, and in meekness instructing those that *oppose themselves*, or are *Non-Conformists*; concluding (as I will) with wise *Gamaliel*, that even for your own sakes, *ye ought to take heed to yourselves, what ye intend to do as touching these men*, Act. 5. 35, 38, 39, 40. And now I say unto you, *Refrain from these men and let them alone*;

For if this counsel or work be of men, it will come to nought, But if it be of God, ye cannot overthrow it, lest haply ye be found even to fight against God. And to him they agreed.

*Discite Justinian moniti & non temnere Divos.
Omnia cum liceant, non licet esse pium?*

Take warning, whilst you may, and dread Heavens Rod:
Do not, with Gyant-Force, brave the Great God.
Shall he that checks sin have, for Tears, more Cause,
Than those Suborning Pimps that break the Laws?
In Dangers, Cowards; Bold at Heaven to strike:
Are these true *English-men*? Tories more like.

A True Table of all such F E E S as are Due, or can be Claimed in any *Bishops-Courts*, in all Cases; As they were Given in to the Commissioners of His Majesty King *Charles I.* Nov. 1630. By the *Commissaries, Registers, Proctors, &c.* under their own Hands in the *Star-Chamber*. Necessary to be known by all Persons liable to be Concerned in the said *Bishops-Courts*.

TIS no part of the Scope of the ensuing Table, to debate the Legality, Expediency, or Inconveniency of those Courts and Jurisdictions, commonly called *Spiritual* or *Ecclesiastick*, as they are now managed: Nor whether the Persons that hold them, and grant forth *Citations* in their own Names and Stiles, and not in the *KING S*, do not thereby Incur the Penalty of a *Premunure*; But its Business is, to Present you with an Exact Copy of their F E E S, as they were stated by themselves to certain Commissioners appointed by King *Charles I.* to Inspect them; Nov. 1630. which Table being long since stiled as much as in them lies, it is thought fit to Re-print the same from the Original first Printed *Anno Dom.* 1631.

A True Table of FEES, &c.

In Cases of Instance, that is, between
Party and Party.

I mprimis, For Decreeing the Original Citation, and for Sealing of it	00—06	00—06	00—00
Item, For Decreeing the Original Citation in a Matrimonial Cause with an Inhibition, and for Sealing of it	01—00	01—00	00—00
Item, For the Decree of every Party principal	00—09	00—09	00—00
Item, For every Decree <i>Vis & Modis</i>	00—09	00—09	00—00
Item, For every Excommunication or Suspension in Writing	00—09	00—09	04—00
Item, For every Absolution from an Excommunication or Suspension	00—09	00—09	04—00
Item, For Letters Testimonial to be made upon a Search, or any other Cause	06—08	06—08	00—00
Item, For the Oath of every Witness upon any matter	00—00	00—00	00—00
Item, For Examination of every First Witness upon any matter	00—09	00—09	02—00
Item, For Examination of every other Witness	00—41	00—41	00—00
Item, For the Examination of Witnesses upon Interrogatories	00—09	00—09	00—00
Item, For the Examination of every Party principal	00—09	00—09	00—00
Item, For the Oath of every Party principal	00—00	00—00	02—00
Item, For the Copy of every Witness upon any matter produced and examined	00—00	00—08	00—00
Item, For the Copy of the Parties principal Answer	00—00	01—00	00—00
Item, For every Commission for the Examination of a Party principal or Witnesses, or for the Prizing of Goods of a Deceased, or to take the Oath of a Party upon an Inventory, or Accompts, or any other matter	05—00	05—00	00—00
Item, For the Constitution of a Proctor	00—00	00—04	00—00
Item, For Exhibition of every Proxy in Writing	00—00	00—02	00—00
Item, For every Act	00—00	00—04	00—00
Item, For every Act upon the opening or recovering of a Prohibition, Confutation, or any others of the King's Writs	15—00	15—00	00—00
Item, For every Definitive Sentence and Interlocutory Decree	05—00	05—00	12—00
Item, For every Significavit to the Chancery, for the Taking and Imprisoning of an Excommunicate Person in any Cause, as well of Instance as Office	05—00	05—00	00—00
Item, For every Significavit to the Chancery, for the Freedom and Inlargement of an Excommunicate Person in any Cause, as well Instance as Office	05—00	05—00	00—00
Item, For the Copy of every Order of Penance	06—00	06—00	12—00
Item, For Transfmitting every Process, <i>Judicis a quo ad Judicem ad quem</i> , to the Register, according to the Taxation of the Judge <i>ad quem</i> , or according to Composition between the Register and the Party Appellant	00—00	13—00	00—00
Item, For the Seal of the Judge <i>a quo</i> , set to the Process Transmitted	06—08	00—00	00—00
Item, For all Letters of Guardianship under Seal	06—08	06—08	00—00

Only at the
Release.

For a Delay.

To see it Executed.

In Causes of Office, that is, where the Court proceeds of its
own Accord, and tis not between Party and Party.

I mprimis, For every Original Citation and Appearance of every Party	00—06	00—06	04—00
Item, For every Decree <i>Vis & Modis</i>	00—09	00—09	04—00
Item, For every Excommunication or Suspension under Seal	00—09	00—09	04—00
Item, For every Absolution from an Excommunication or Suspension	00—09	00—09	00—00
Item, For Letters Testimonial to be made upon any Cause, and for writing them, if the Cause require it	06—08	06—08	00—00
Item, For the Examination of every Party principal	00—09	00—09	00—00
Item, For the Copy of every Parties principal Answer	00—00	01—00	00—00
Item, For the Oath of every Party principal	00—00	00—00	02—00
Item, For drawing of Proxy for Appearance at all Visitations and Synods	00—00	02—06	00—00
Item, For the Exhibition and Consignation of every Proxy in writing at the Visitations and Synods onely	00—00	00—04	00—00
Item, For Registering the Names of the Church-wardens and Side-men of every Parish	00—00	00—04	04—00
Item, For every Certificate made to the Bishop by the Commissary, for the Commutation of any Penance	06—08	06—08	12—00
Item, When any Penance is Commuted by the Bishop, and the Commutation extended to the Commissary	10—00	10—00	00—00
Item, For the writing of any Bond taken for the Indempnity of the Judge, or his Commissary, upon any Cause	00—00	01—00	00—00
Item, For every Act passed in Court	00—00	00—04	00—00
Item, For every Faculty that grants Licence, except for Teaching	05—00	05—00	00—00
Item, For Exhibiting every Bill of Presentments at the Visitation onely	00—00	00—04	00—00
Item, For the Purgation of every Person to whom Purgation is assigned, and for his own hand	00—09	00—09	04—00
Item, For every Compurgator first sworn, and for his hand	00—09	00—09	02—00
Item, For every other Compurgator	00—06	00—06	02—00
Item, For every Intimation sent out for all those that will object against a Purgation of any Man and his Compurgators	02—03	01—03	04—00

For warning
of them,

A True Table of FEES, &c.

	To the Commissary.	To the Register.	To the Apparitor.	
Item, For a Dismission of every Man out of the Court for any Cause whatever	-s.—d.	-s.—d.	-d.—	
Item, For any Search made by the Register for any Act of Court, or any other Instrument, after a Cause is ended	00—06	00—06	04—	
Item, For every Sequestration of the Fruit of a Benefice, and Publication of the same under Seal	00—00	01—00	00—	
Item, For Letters Commendatory for a Curate going out of the Jurisdiction	05—00	05—00	12—	
Item, For every Caveat entered	03—04	03—04	00—	
Item, For the Copy of every Order of Penance	00—00	01—00	00—	
Item, For Transmittting a Process, <i>Judice a quo</i> , to Register according to the Taxation of the Judge <i>ad quem</i> , if there be no Composition made betwixt the Register and Party Appellant	00—06	00—06	12—	To see it Executed.
Item, For the Seal of the Judge to the same Process	00—00	13—00	00—	
Item, For the drawing of Articles against any Man Convented of Office, for lawful Proof made of the truth of them	06—08	00—00	00—	
Item, For every Act upon the withdrawing of a Caution out of the Registry	01—08	01—08	00—	
Item, For every Dispensation for Exhibiting of an Inventory into Court	00—00	00—11	00—	
Item, For an Administration of the Goods of a Deceased, not extending to the Sum of Five Pounds	06—08	06—08	00—	
Item, For the Administration of the Goods of a Deceased, amounting above the Value of Five Pounds, and under Forty	00—00	00—06	04—	According to Statute.
Item, For the Administration of the Goods of a Deceased, amounting to Forty Pounds and upwards, let it be as many Thousands as it will, is	02—06	02—06	10—	In defiance of the Statute.
Item, For the Probate of a Will, where the Value doth not exceed the Sum of Five Pounds	06—08	06—08	11—	In defiance of the Statute.
Item, For the Probate of a Will, where the Goods exceed Five Pounds, and not above Forty Pounds	00—00	00—06	04—	According to Statute.
Item, For the Probate of a Will, where the Goods do exceed the Value of Forty Pounds and upwards, let it be as much as it will	02—06	01—00	10—	According to Statute.
Item, For the Ingrossing of every Will, according to the length thereof, not exceeding eight Skins, for every large Skin of Parchment	02—06	02—06	10—	According to Statute.
Item, For Ingrossing every Inventory and Accompts, according to the length thereof, not exceeding Two shillings for every Pref of Parchment	00—00	08—00	00—	For every Skin In defiance of the Statute.
Item, For Exhibiting of every Inventory, and for subscribing of the same	00—00	02—00	00—	In defiance of the Statute.
Item, For the Copy of every Act extracted out of the Registry under the Register's hand	00—06	00—06	00—	In defiance of the Statute.
Item, For the Copy of every Inventory, Testament, Libel, Matter, Allegations, or Articles whatsoever, extracted out of the Register under the Register's hand	00—00	01—00	00—	
Item, For Letters of Request made to another Ordinary, to Cite one dwelling out of the Judges Jurisdiction	00—00	According to the length.	00—	
Item, For every Renunciation of an Administration of the Goods of a Deceased, or an Executor of a Will Admitted and Enacted	01—08	01—08	00—	
Item, For every Decree made upon the distribution of Goods amongst the next of Kin, and for Registering the same	00—06	00—06	00—	
Item, The Fee of a Proctor every Court-day, in which he is Retained upon any Cause whatsoever, is	06—08	06—08	00—	
	01—00	00—00	00—	

And no more; Therefore they Abuse you, when they take Ten Groats.

☞ And indeed there is scarce one of all these Particulars, but the Officers belonging to these Courts, do now Demand, Take and Extort most Unjustly Greater Fees than are here set down, which yet are all that themselves had the Confidence to ask or pretend due, in the Time of King Charles I. since which Time, they have not any Colour of Law, Reason or Authority, to have them increased. Therefore if any of them shall for the future Demand, or Take any Fees, Duties, or Sums of Money more or greater, than are here set down, let the Party grieved forthwith Indict them for Extortion; the onely way to Curb the Avarice and Oppression of greedy devouring Locusts, who, like the Sons of the Horse-Leech, always Cry, Give! Give! till with tedious Vexations they undo those they can get into their Birdlime-Clutches.

POSTSCRIPT.

I 'LL add but one Argument more, and 'tis the *slendrest* in all the Artillery of Logick, but for *Home-thrusts*, (like a Vipers tongue, 'tis slender indeed; but) most Mortal and *Irresistible*; 'tis called, *Argumentum ad Hominem*, like *Rom. 2. 22. Thou that sayest a man should not commit adultery, Dost thou commit adultery?* so say I;

Thou Adulterer! Art not thou a transgressor of the Law, and Acts for Uniformity? Is not Adultery against the Common-Prayer-Book? Is not an Illegal Ceremony-monger a Non-Conformist? Is not an Adulterer a Non-Conformist? Is not a Noddy, (I should say) Nodder to the Altar, to the *East*, a Non-Conformist? Is he so?

Why, then thou old formality! thou whip and spur! Will no pace serve thee but a *Gallop and Tantivy*, Foot and Horse, Companies and Troops, Trot and Gallop? On what Service? What Expedition? To root a Conventicle? Have a care man, and fly, fly, get out of harms way, for fear they face about and root thee for a Non-Conformist, and take from thee (thy pride and joy of thy heart) thy 2, 3, 4, 5. Spiritual Promotions. Ha?

Non-Conformists? *Is that the Word?* one would think, thou shouldst (for thine own sake) hereafter be good to Non-Conformists, thou dull *Coyner* and *Forger* of Ceremonies, (thy chief Religion) in defiance of the Holy Acts for Uniformity!

You, that would have all Non-Conformists undone, Body, Soul and Estate, you that are all for Cursing and Imprisoning; all for filling Hell and the Gaol, come on, How do you like this deprivation for Non-Conformity? How does this *Stone-doublet* fit you? you that breathe nothing but Gaols, Fines, Confiscations, Suspensions, Hell and Excommunications, and Writs in the Rear of it.

Thou wicked and unjust Judge! dost thou Sentence, or Excommunicate *some* Non-Conformists, and not *all* Non-Conformists? and dost thou partially spare thine own Nodding, Superstitious, silly self? *James 2. 1. My Brethren, have not the faith of our Lord Jesus Christ, (nor the Laws of God and the King) the Lord of glory, with respect of persons.*

Either, *all* being guilty, let *all* suffer; (but where shall we get Executioners?) or else being guilty, (*as in general Mutiny*) none suffer: Otherwise, *James 2. 3. Are ye not then partial in your selves, and are become judges of evil thoughts?*

Then do not bespeak Grand-Jury-men, to make *fish of one, and flesh of another*; but either spare *all* Non-Conformists, or spare *no* Non-Conformists, small nor great, Lay-man nor Clergy-man, Bishop nor Arch-Bishop, Dean nor Chapter, Singing-men nor Singing-boys, Register nor Sumner; no, nor Justices, nor your selves, Grand-Jury-men, *spare all or spare none*, from the greatest to the least; from the *Bench* to the *Bar*.

Dost thou say no Non-Conformists ought to be sworn of a Jury? Ha? let me hear this again, *Is this Law?* That no transgressors of the Law shall be either Judge or Jury-man? turn thine eyes inward, look into thine own Breast, and then tell me, *Is this Law?*

What? Shall no transgressor of a Statute be a Judge or a Jury-man? *not* one Whoremaster, Drunkard, Extortioner, nor Blasphemer, Curser nor Swearer? Or, is the transgression of the Statutes for Uniformity *the greatest transgression?*

There's no reason for that, but we'll admit it, rather than spoil good discourse: and then tell me, thou silly Superstitious deviser and observer of Illegal Ceremonies, thou *Cloud* that would *overcast* all Religion, Dost thou think to escape the

P O S T S C R I P T.

Inquisition by the works of *Darkness, Mists and Clouds* of thine own making ?
Art not thou also a Non-Conformist ?

The *Millenaries* have long expected Christs Personal Reign upon Earth, when the Saints shall judg the World: but all in vain, for now one Non-Conformist condemns another, a Non-Con---on the Bench, a Non-Con---at the Bar; pretty, I protest---*Vice corrects Sin*: Fait and Trot, and by St. *Patrick*, 'tis well a fine, Joy.

If ever Popery come to be the State-Religion, as it was for hundreds of years, in *England*, then those that assert it for good Law, That no *Non-Conformist* shall be a *Jury-man*, has cut all our Throats, defeated all our Estates, Liberties and Properties, with that one Breath, Pestilential Breath ?

For where are our Lives, our Liberties, our Properties, *our All* by the Law, *if it be Law*, to have none but Conformists Jury-men if ever we live to see none but *Papists---Conformists*, which is not impossible? This it is to wyre-draw the Law only to serve a trick, or a turn, or a present occasion; this furnishes the *Papists* with a fine lash to lash us, and by Law too, our own Law.

Judges and officers (saith God, *Deut.* 16. 18, 19.) *shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy Tribes,*

And they shall judg the people with just judgment:

Thou shalt not wrest judgment, thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous: (that is) such as would be wise and righteous, if it were not for the Gift or Reward.

But, wo, wo, *Wo be to them*, (saith the Prophet) *that decree unrighteous decrees, Isa.* 10. 1, 2, 3. *and that write grievousness which they have prescribed;*

To turn aside the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that they may rob the fatherless.

And what will ye do in the day of visitation, and in the desolation which shall come from far? to whom will ye flee for help? and where will ye leave your glory?

Loth, very loth, will such men be, that such measure as they meet, it shall be measured unto them again: then will they curse the keeping of false weights, and false measures, one to buy by, and another to sell by, except they (indeed) intend to be Weathercocks, (that is) true Conformists (yet never true, nor stable, but only true) to every Wind that blows strongest.

But this is the wisdom, the honesty, and the policy, mean while; men might blush, if they had *any blush or grace in them*; this is a kind of blind Devotion, or *Implicite Faith*.

Thus have I known a *willing Court*, yare and ready at an Execution, right or wrong, upon a Bishop's *significavit*, send a man to Gaol, when the Bishop (to my knowledg) granted that *significavit*, (of one Excommunicate) and knew no more of the matter, or whether just, or the merit of the cause; (*more than the Man in the Moon*) but by *Implicite Faith* in the Register, or his *Eccho*; I mean, Mr. *Formality*, called a Surrogate, or Official.

Sinner, you ought to be *Excommunicate, Suspended*, (saith Register, or Vice-Register:) *Excommunicetur, Suspendatur*, quoth *Eccho-Surrogate*. Wonderful Ecclesiastical-Policy, and Kirk-Discipline!

Is there any Wit or Grace, Law, Reason, Conscience or Equity in these Proceedings?

What? Curse men, Damn them, Gaol them, and all by *Implicite Faith* in a Silly, Covetous, Wretched, Extorting, Lack-Latin Register? *Sir, How came you by the Keys of the Church? These Keys of the Kingdom of Heaven and Earth? These Keys that let in and out to Hell and the Gaol? Did you come honestly by them?---speak man---How came you, Sir, to say, First, Take him, Devil?---Secondly, and consequently---Take him Magistrate?---Thirdly and lastly, Take him Gaoler?---And in Gaol he must there lie and die without Bayl or Mainprize, by 3 Edw. 1. 15. How long?*

Until

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Until he first *please*, (that is, *pay*) this same extorting Register, 'till, i. He be pleas'd, and *as much he pleases*, at the *will of this Lord*; (or, rather Tyrant of Souls and Purfes.) 2. He must swear to obey the Ordinary, and (*stare-mandatis Ecclesia*) commandments of Holy-Church. 3. He shall then be Absolv'd, and have a *Certificavit* thereof to the Bishop, who then (in course) grants a *Significavit*, and then by Writ to the Sheriff, the poor Excommunicate gets out of Hell, *and the other Hell, the Gaol.*

So that the Register, the Vice-Register, with *Formality-Eccho*, have *all the Keys* at their Devotion; for what the Bishop does by *Significavit* of Excommunication or Absolution, delivering *to and fro* the Devil and the Gaol; and *all that the King's-Courts* consequently do thereupon, are all by *blind Implicite-Faith* in the Register and Eccho; all, *in course* only.

For these *little Sell-souls* do the feat, *vulnus opemque tulit*, the same hand again; ---they Wounded you and they cure you; the Bishop's *Significavit*, and the Writ *de Excommunicato capiendo*, are but necessary Consequents, and *things in Course.*

So, that I say again, it is safer, 1000 times safer to anger the Great *Turk*, or Great *Mogull*, than a sneaking, rascally, covetous, extorting Register, or Vice-Register, that buys, or hires the Sell-soul-place, (to my knowledg) and if he buys the Devil, he must sell him.

Thus, I think, we *English* men are at a fine pass, when our Souls, our Bodies, our Properties and Liberties lye at *this loose lock*, whilst a Register or Sumner keeps (really and truly) *the Keys* of all.

To see an old *Formality-Priest* sit in the Court of *Arches*, behind Noon, as if (forsooth) they could do nothing *without the Keys*, (for fashion-sake) which Mr. *Necessity-Priest* has at his Girdle, *hanging*, and represents the Archbishop, (who is absent, about greater matters, than *Markets of Souls*) and looks just like the *Divinity-man* (amongst the Civil Lawyers in *Trinity-Hall in Cambridg*, called) Mr. *Necessity*, because he has no Law, but they are troubled with him, (poor man!) because they *cannot pray* without him.

Quite contrary in *Doctors-Commons*, they *must*, they *must* upon *necessity* be troubled with this *Hackney-Journey-man-Divinity-driver*, because (the mischief is) the Doctors (good Souls, are *willing enough* but (alas!) they) *cannot Curse* and Deliver to the Devil *without him*, nor Absolve *without him*, although the Money for Absolution be not only agreed upon, but they have the Livery and Seizin thereof in their Pocket: Why? What must be done then? *give the Word* for Mr. *Necessity*, (the Arch-Bishops Representative, or (in inferiour Coutts) the Bishops Representative, or the Arch-Deacons Representative) Come hither---Mr. *Necessity*---nay, hold up your head, and look like a Man---sit down---put on your Hat---

Mr. *Necessity*---you must Subscribe this Curse, or *Anathema*; yea, quoth *Necessity*, give me my Spectacles, and Pen and Ink.

This fellow makes no more Bones of a Soul, than if it had not a Bone in it; nor knows wherefore it is delivered to Satan, or, more of the matter, or merit of the Cause, than the most Reverend *Arch-Bishop*, *Lord-Bishop*, or Mr. *Arch-Deacon*; that are miles off, and absent, *I le depose* for Mr. *Necessity*, he knows no Law, Civil-Law, nor Uncivil-Law; all he minds, or knows, or enquires, is only---*Wher's my Gray-Groat* for subscribing the *Anathema*, or Curse? Is it a good Groat? I take no *Brumingshams*, no *Brumingham*, I.

Then if ever the Soul be Absolv'd, then Mr. *Necessity* has a Groat more for the Absolution-Oath; he cares not how many are delivered to Satan, *so many Souls*, *so many Groats* in his Pocket, ready Money: but, his vertue is, he Prays as hard for their Absolution, for every Soul Absolv'd is as good as a Groat in his Pocket.

*Mr. Necessity to Curse takes pains,
But Registers and Doctors get the gains.*

Copy-hold at the will of the Lord is the basest Tenure, but that is regulated and bounded by custom, and kept within the limits of reason: But, in this case,

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upon the good will, pleasure or displeasure of these Ecclesiastical-fellows, depends all we have, all our Liberties and Properties, of Noblemen, Gentlemen, Yeomen; all are held at the will of these Spiritual Lords, or rather Holy-Tyrants, I mean, Sumners and Registers, and such bran, such Sell-souls, we none of us can be assured of any thing we have, if they be not curb'd in their career, we cannot say *our Souls are our own*: Are we not at a fine pals?

The thoughts hereof did so perplex the King and Parliament, saith the Lord Cook, (Inst. 1. Sect. 201.) that though in ancient time every Official or Commisary might testifie Excommungement (that is, make a *Significavit* of Excommungement) into the Kings Court (Note by the way, that Spiritual-Courts were not esteemed the Kings Courts, they must be the then Pope's Courts, or no bodies Courts, except they themselves be Sovereigns) and for mischief that ensued thereupon (why, why, that work was worthy a Parliament, if they knew but how to mend a rotten Spiritual-Fabrick that has no foundation in the Word of God) it was ordained by Parliament (for Remedy, But was not the Remedy still the same with the Disease?) that none should certifie Excommungement but the Bishop only---(there they hit it.)

Did no body ever hear of a Gentleman (he shall be nameless for me) that would needs have a Hat button'd up of the right side; but happening to put it on the wrong way, stamp'd and star'd (like mad) at the Haberdasher, Sirrah, quoth he, did not I speak for a Hat that button'd up on the right side yea? quoth the Haberdasher, but that will cost ten shillings more; cost what it will cost, quoth Gallant, (that had more Money than Wit) I'll have it: so he was glad to go home and bring him the same Hat again, and putting it on right, all parties were pleas'd.

Or, him that bespoke a Picture of a Horse lying (*tauveing*) upon his Back, and the Painter brought it, and set it before him *en passant*; at which disappointment the Gallant rav'd, 'till going home (and for more Money) he brought him the same Picture turn'd topsie-turvy, and so the fool was pleas'd.

Was fault found with the *Significavits* of Officials, Commissaries, &c. Oh, then let the Bishop (for the future) send them to the Kings-Courts. Ay, well, 'tis done; And what are you better? when Bishops signifie, just as Officials certifies, *Hixins---doxins---* Face about, as you were; now the Cap (I hope) is Button'd upon the right side; Are you now pleas'd, Gentlemen? Surely you are well helpt up now.

When, God knows, the Bishop is not ubiquitary, Can he be here, and there, and every-where? he is but a man, What would you have? Can he signifie of his own knowledg the merit of the Cause? Or, who ought, or ought not to be Excommunicate, when he judges, meerly by *hear-say*, and 20 Miles off, and by *Implicite Faith*, in his Proxies, and of his own knowledg knows nothing whether he does well or ill, right or wrong, a meer *Lottery for Souls*?

And if (as Cook, Inst. 1. Sect. 201.) a Certificate upon another Bishop's report is not sufficient: much more a Certificate upon a Register, Surrogate or Officials report is illegal and insufficient.

An error in the first concoction (Physicians say) can never be amended in the second and third; so here if the Official miss the mark, the Bishop never mends it, but shoots at random, lets fly at all in Course, and after him; in *Course too*, the Writ follows in Course; *Course-doings* to be sure, though the Sell-souls think 'tis very fine.

It makes them fine, that's certain, that's all the good is got by this great mischief to the Kings Liege-people; this 'tis to be wiser than God, and to set up an Ecclesiastical Discipline unknown to Holy Scripture and the Primitive times.

For what should a blind man do in the Gun-room? he may Fire a Canon, and kill a Friend as like as an Enemy: or, fight against God, with Gods own Sword, by Coring his Servants, this is to kick against the pricks; to bind and loose, before Christ has breathed on us, and given us the Gift of the Holy-Ghost, the Gift of Discerning of Spirits, or Spirit of Discerning: take the Sword out of the Mad-mans hand, or the Blind-mans hand, he's more like to do mischief with it than good.

Excepe

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Except it were lawful to have an Ecclesiastical Discipline, that (like an *Essex-Jury*) *hang half*, and *save half*; or, like drawing of Cuts for Souls, *long Cut* or *short Cut*; or, like *David's* Revenge upon *Moab*, making them all lie down in a Field, Men, Women and Children, then stretching a Line through the middle of them, on one side to put to death, and with one full Line to keep alive, 2 *Sam.* 8. 2. Amost nimble dispatch, and compendious way of Execution.

There's some hopes yet for a *true man* to escape, by *this Lottery*, but we are worse; Is there any Whores, Whoremasters, Swearers, Blasphemers? &c. *let them live and mend*; what Ecclesiastical Discipline did ever correct a *Debauchee*? But is there ever a *true man*, or one that dares *speak truth* in a Province? *Sumner*---search him out, *Cite him to Court*---Come-hither---*Sirrah*---*Villain*, you *Rogue*? you speak truth in an Age of Sycophantry, Pimping and Pandering---make an example of him, Indict him, Sue him, Article against him, Swear against him, get Witnesses to swear that he spoke scandalous Words against the great Lord Bishop; Ha, *Sirrah*? Have we got you within the swing of a Statute of *Scandalum Magnatum*?---we'll swing him with a Vengeance.

Ay, Ay, it is even so, *you are in the right on't*, Who dare deny? you have got the *whipping hand* of him, be sure you keep it; it shall go hard else, if *power* can but be persuaded to *make curt'sie* to Revenge.

Yea, yea, Did you never see the Character of a *keen over-grown Churchman*, Drawn (by a *Pen*, not a *Pencil*) in all his *Bloody* and *Bloaty* Features? 'twould make a man *Spew* to look at him *in that trim*, with his two Appendixes, *Hell* and the *Gaol*, attending his Beck.

In good time, I have it at their Service, so *Drawn to the Life*, that he that runs may read his Name in Characters, and *digito monstrariet & dicier, hic est*; Ple let you see your own Faces in my Mirrour, *the Successors of* (the cruelty of) *Bloody Bonner*!

Men born to ruin will never take warning, yet History will tell them, that a *Bloody Job* never came to the Grave in Peace; and the Persecuters were *choak'd* with the Blood they *spilt*, or *drown'd* in the tears of the Widows and Orphans that they made.

For Heaven has ears, and there is a secret *Nemesis*, a Divine Vengeance that pursues him and finds him out, *Lurk* he behind what power he will, to hide his hated Head from God's Justice.

Hodg, like a Horse-leech, still for Blood doth thirst;
By Blood the Villain liv'd, by Blood he burst.

Come, strike then, and feel how *hard it is to kick* against the pricks, you'll find, that striking the *Naked Truth* is striking a *naked Weapon* with a *naked Hand*, the *harder* you strike, the *deeper* you are gash'd; try as soon, and as often as you will.

Iniquity and Cruelty will in time meet with its match, in this World; at least, truth shall Conquer, (as Christianity got ground) in the World by *suffering*, when the Blood of the Martyrs were the seed of the Church.

Therefore let false men *strike and spare not*; show as much Plodding-Policy, (after Revenge) Craft and Cruelty, as the Devil can teach them, when they lay their Heads together, yet, with all this Aid, 'tis impossible to prevail against God and his Truth.

Did you never see a *Grey-Hound* stare when he had lost a Hare in an unhappy Bush, that stood by the way, just when he was, at *the very clique*, and gaping, to mouth her? even so, have I seen a cunning Politician stare, as if *out of his Wits*, or, at least at *his Wits end*, when some sudden cross Providence (by him call'd *strange accident*) has given his *Devilship* the go-by: then, then, to see him stare and stamp, fret and curse, rave and roar (like a Lyon in a Grate) that would be mouthing, but for the Barriers.

Go, then, you subtle Persecutors! fret, and be molt in your own fat, and live (like the *Green-land Bears* in Winter) upon your own Grease, as long as it lasts, whilst,

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*Truth, like Muscovy-Wives, and th' Walnut-Tree,
The more they are beaten (still) the better they be.*

Well, this I'll say for the Pope, and a fig for him, (but we ought to give the Devil his due, much more the Arch-Bishop of all Bishops) the Pope, I say, give him his due, builds the *Fabrick* of his *Ecclesiastical Policy* rationally, if his *Foundation* were true: But Protestants do not, that confess themselves and their Churches *fallible* and *frail*, as does the Church of England in her 19th Article of the 39.

For *what non-sence* is it for any Man or Church to Curse and Damn a Man for a *Heretick*, when we confess our selves that we are *fallible*, and consequently *may err* in our Judgment of the Man or his Faith? *Shall blind men shoot a Crow?* I hate this *Hitty-missy*.

Whereas the Pope, grant him this *Theoreme*, (that he and his Church is *infallible*) is in the right on't, let him Curse who he will, and from Morning to Night, for ever and aye; for, if he be infallible, he only can draw this Sword of the Lord (*Excommunication*) and yet be secure that he fights not against God, which Protestants (that confess they *may err* even in matters of *faith*) can never be sure of.

'Till the Church then can get eyes to *see and discern* right from wrong infallibly, and a Sinner from a Saint, and a Believer from an Infidel, and Truth from Falshood (indisputably and not *fallibly and uncertainly*) let them down on their knees and pray for the Conversion of one whom they judg an Infidel, and then leave him, to his Maker, to stand and fall, and pray to God to tye up their hands to the *good Behaviour*, to Charity, Meekness and Humility (wherein they can never err) which would *well become them*, better than all this *Ecclesiastical-Artillery*, (which has ruin'd Christendom) and rather let them *break*, than uphold this *Money-Trade*, and Merchandize of Souls, especially in this her weak and *Militant State*.

How have the Churches, the Councils, the Fathers, the Canons Clash't and Thwarted, Curst and Condemn'd one another to the *Pit of Hell*? it would make a man's heart *ake* to read Ecclesiastical Histories; and to hear the pious Bishops complain that they never knew any good come of any Convocation of Bishops, Councils, nor Synod-men: and one Guelts himself, to make himself Canonically incapable of *Lawn-Sleeves*.

How did the whole Christian World (who were all *Arrians*, and deny'd the Divinity of our Blessed Saviour) Curse that poor single *Non-Conformist Athanasius*, (Nick-naming him) *Sathanasius*? Banish't him, and Suborn'd false Witnesses against him, and try'd him for his Life for Murder? whilst on the contrary, our Church of England declares that no man can be saved that does not believe all the Creed of *Athanasius*; and the Comment (in words of his own, not in Scripture-words) of the Holy and Sacred Trinity, made by him. Though a man does believe the Holy Trinity declar'd in Scripture, yet, *if he will be saved*, he must believe all the *Athanasian-Creed*. I do not know any man that does not believe it.

But, all the Common-Prayer-Books in the World, and all the Acts for Uniformity, nor all the Kings and Parliaments in the World, can never make any thing *true* that is *really false*; nor make any thing *false*, which the Holy Scriptures plainly says to be *true*.

As, for example, suppose there be some mistakes in the Common-Prayer-Book, by false Printing, or, in the Table to find *Easter* for ever, yet it is Statute-Law.

But that cannot make a thing true, which is *Mathematically false*; nor can any Statute make a Child of God a Child of the Devil, though Anathematiz'd for a Heretick.

And how good Bishops have bewail'd the *Diocesan-frame* in our days, see pious Bishop *Hill's* Confession of the Corruptions in Church-Governours and Government (*I am not singular*) in his *Modest Offer and Peace-maker*: See the Incomparably

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comparably Learned Bishop *Usher's Model*: See Mr. *Alesbury's Confession*, especially, p. 21, 24, 28, 104, 169. See Mr. *Baxter* of Episcopacy, or (in short) the *Postscript* thereof. See Dr. *Stillingsfleet's Irenicon*, (how does self-interest hood-wink the wife?) writ before he became a Dignitary-Ecclesiastical. Or, see Bishop *Gauden's Hiera Epist.* particularly, p. 263, and 287. with which I'll conclude---

'I neither approve or excuse the Personal faults of any particular Bishops, as
'to their exercise of their Power and Authority; which ought not in weighty
'matters to be managed without the Presence, Counsel, and Suffrages of the
'Presbyters, such as are fit for that Assistance.

'The want of this St. *Ambrose*, St. *Hierome*, and all sober men (*mark that*)
'justly reprove, as unsafe for the Bishops, and Presbyters, and the whole Church.

Now I have done, at the long run, with my Naked Truth, expos'd to the
World, without Power, without Friends, without Worldly Interest to support it.
It is usually thus, those that *worst may*, are often put to *hold the Candle* to their
betters; yet, like *Link-boys*, many times get not of the Gallants, *but a kick* for
their pains.

But, I'll shift the better, having a *King to Friend*, a Glorious King (to Patron-
ize me, and vouch against all *Bloody Religions*) *Charles I. Eik. Basil.* Advice to
his Son, our Gracious Sovereign, *Charles II.* (*in these words.*)

'In point of true conscientious tenderness, I have often declared how little I
'desired my Laws and Scepter should entrench on God's Sovereignty, who is
'the only King of Consciences.

'My Counsel and Charge to you, is, that you seriously consider the former re-
al or objected miscarriages, which might occasion my Troubles, that you might
avoid them.

Will nothing but *Sanguinary Counsels*. (yet) *please*? Are we no further (yet)
from *Rome*? *Not yet?*

Dost thou not feel me, *Rome*? *Not yet?* Is Night
So heavy on thee, or, my weight so light?
(May *Church of England* say,) Have we so long
Been quitting *Rome*, yet not quite from among?
Christ and his Church by Blood are glorious grown,
But not by others Blood, but by their own:
Whilst Antichrist and's Church are *Monstrous* grown
By shedding others Blood, but not their own.
Bless us! the *Monster Tawns* and *Glares!* (don't start,)
In nomine Domini; stand, *speak*, say---What art?
A Bishop? sayst? the *Devil* thou art, more like,
Or, *Munster's Bishop*, made to hew and strike:
Black mouth to damn, and *Bloody Arms* to fight;
When Hand-cuff't, good; we'll do the *Devil* right;)
Of *Flaming-Comet* (long since) have you heard,
With Tail hung down to Earth, and grisly Beard?
I'm skill'd i'th' Language of the Stars, and know
That horrid Meteor, what it meant; 'twas thou:
Thou *Bonner!* (*London's Bishop!* seem'd to be
Arm'd, (with this *Hellish Black-Guard*) Cap-a-pee.
Ordain'd (it seems) and good for naught, but harms;
Like the *French Bishop Odo*, clad in Arms:
That Coat of Mail ill suits that Coat so Gay,
Filii tui Heccine Tunica?

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Satan (*once*) came, like a *Py'd-Piper*, now
This was a *Fiend* in *Jeast*, in *Earnest* Thou:
By the *Black-Regiment* Martyrs chose to die,
That *Naked Truth* might live; and so will I.
After the *French Religion* must we *Dance*,
Now, *Persecution's A la mode de France?*
Or, shall the *French* find fairer *Quarter* here,
Than we to one another make appear?
A *Bishop*? sayst? Thou *ly'st*: Him, *Cornet*, call
Of the *Black Regiment* that *Gaols* us all.

FINIS.

ERRATA.

THE *Introduction*, Page 4. Line 30. for every word in that weeks, Read, most words in the two Weeks. p. 42. l. 14. for *efflagitantes* & *solicitescit*, read *efflagitates* and *solicites* it. with several other escapes (by reason of the Author's absence from the Press) but not many.

[i]

NEWS FROM
Doctor's Commons :

Or, A True

NARRATIVE

OF

Mr. *HICKERINGILL'S* Appearance there,
June 8. 1681.

Upon a Citation for Marrying People without Bannes or License.

WITH A

PROTESTATION

AGAINST THEIR

SPIRITUAL COURT.

To which is Added,

An ESSAY Concerning the Virtue of
SEQUESTRATIONS.

IT is too notorious and vulgarly known, that the *Waspsish Swarms* in *Doctors Commons*, have been as *stinging as stingy* against Mr. *Hickeringill*; and the *little Insects* as full of malice as venom against him as their hearts could hold, ever since the Publication of the *Naked Truth, the Second Part*.

And yet, poor Hearts, they had better have been quiet and let him alone, for they always meddle with him *to their hurt*, as well as shame and confusion, and come home by weeping-crofs.

But some men will never take warning: *Quos Deus intendit perdere demeritat Prius*, was once accounted truth, though spoke by a Stoick.

*Men doom'd to Ruin when their Facts are bad,
Do blindly run upon their Death like mad.*

We will begin (as the *Men of Doctors Commons* did begin with Mr. *Hickeringill*, namely) with the Citation, in these words following.

A

Robertus

RObertus Wiseman, Miles & Legum Doctor, Almae Curiae Cant. de Archibus, London, Officialis Principalis legitime constitutus, Universis & singulis Clericis & Literatis quibuscunque in & per totam Provinciam Cant. ubilibet constitut. salutem. Vobis conjunctim & divisim committimus, ac firmiter injungendo mandamus, quatenus (ratione literarum requisitoriarum ab Ordinario loci obtent.) Citetis, seu citari faciatis peremptorie Edmundum Hickingill, Clericum, Rectorem Rectoriae & Ecclesiae Parochialis omnium Sanctorum in Villa Colcestriae in Com. Essex, Dioc. Lond. Cantiaque Provinc. quod compareat coram nobis, rostrave Secretario, aut alio Judice in hac parte competent. quocunque in Aula publica infra Hospitium Dominorum Advocatorum London, locoque judiciali ibidem sexto die post Citationem hujusmodi ei in hac parte factam si Juridicus fuerit, alioquin proximo die Juridico ex hinc sequen. karis causarum ibidem ad jura reddenda consuet. certis Articulis, Capitulis, sive Interrogatoriis meram animae suae, salutem, morumque & excessuum suorum reformationem, & praesertim ejus solemnizationem, seu potius prophanationem Matrimonii inter diversas personas clandestine absque eorum Bannis in Ecclesiis suis Parochialibus trina vice publicatis, vel Licentiis sive facultatibus in ea parte legitime obtent juxta Canones & Constitutiones Ecclesiae Anglicanae in ea parte editas & provisas, aliaque crimina & delicta concernen. ei cum venerit ex officio nostro ad promotionem Thomae Doughty, Generosi obijciend. & ministrand. de Justitia sive juramento responsur. ulteriusque factur. & receptur. quod justum fuerit in hac parte: & quid in praemissis feceritis, Nos nostrumve surrogatum aut alium Judicem in hac parte competent. quemcunque debite certificetis una cum presentibus. Dat. Tricesimo May, 1681.

WE live in an Age wherein some men are grown Libertines; and since the Dissolution of the Parliament at Oxford, some are grown so wonderful light and wanton, that they kick up their Heels at all Correction; and defie a Parliament with as much courage as they defie God and the Day of Judgment, when they cry God-damn-me.

These are very merry days, if they would but last.

When Mr. Hickingill came into the Hall at Doctors Commons, June 8. 1681. He went up to the Doctors, Habited in their Formalities, and with their Caps on, and he also put on his Hat; which Sir Robert Wiseman no sooner espyed, but he bid Mr. Hickingill be uncovered: But Mr. Hickingill replied to him in Greek, and to all Sir Robert's Repartees; and discoursed for a considerable time: Mr. Hickingill discoursed still in Greek; at length Sir Robert's patience being spent, (and none of the Doctors would find any more Greek to answer Mr. Hickingill than Sir Robert did), it was ordered, that this appearance, and Answer in Greek, only should be Registred as a Non-appearance: Wherefore then Mr. Hickingill did Repeat

peat in English that he had said in Greek; telling Sir Robert, that he first demanded to see or hear their Commission and Authority for citing him thus from his Family and Home, and out of the Diocese where he dwells, contrary to 23 H. 8. 9. And that till it did appear to him that this was his Majesties Court Ecclesiastical, he would pay no respect to it, nor be uncovered before men that were all (except Sir Robert) his Juniors at the University, and most of them very much his Inferiors in many other respects, not suitable to his modesty there to particularize; Degrees (so easily purchas'd) and empty Titles being admir'd by none but Women and Fools. Whereupon, instead of shewing a Commission, Sir Robert again bid him be uncovered, which still he refused: Then Sir Robert made signs to an old Fellow, a kind of Sumner, to come behind Mr. Hickeringill and snatch his Hat off, which he did; but Mr. Hickeringill forthwith snatcht his Hat from the said Fellow, and clapt it fast upon his Head. and there kept it during his stay there; throwing amongst them a Protestation (which was read in Court) and to this effect.

The Protestation of Mr. Edmund Hickeringill, Rector of the Rectory of *All-Saints* in Colchester, in the County of *Essex*, Delivered to Sir Robert Wiseman, at the Hall at *Doctors Commons*, June 8. 1681.

I. I Protest against all your Proceedings as contrary to his Majesties Laws and Prerogative, since you will shew no Commission derived from his Majesty for such Proceedings, and whereby you claim Jurisdiction over me, and that by the sight of which Commission, or hearing the same read, I might know whether it were requisite in my case and circumstances to appeal from the same, or make exceptions to the same, if it do not give you cognizance of the Crime, or pretended Crime, objected against me; and whether it be not counterfeit, or not Sealed with the Kings Great Seal of England: The old Ecclesiastical Popish Jurisdiction being (as their Divine-Service and Mass) Foreign, and in a Foreign Language, and exploded by 1 Eliz. 1. by the name of Foreign Jurisdictions, and the High Commission Court (by the same Statute, 1 Eliz. 1.) set up in the room thereof, being also exploded by 13 Carol. 2. 12. wherein his present Majesty obliges himself to grant no more Commissions Ecclesiastical, which makes me believe you have no Commission at all, nor Authority to cite me thus before you: And therefore it is that I will not be uncovered before you, until it appear that you are his Majesties Court Ecclesiastical, by Commission derived from him.

II. I protest against your Proceedings, because in the Citation of me (hither) there is no mention of the Kings Name, nor the Kings Arms in the Seal thereof, but only the name of Robert Wiseman, Knight, and Doctor of Law, and to appear before him or his Surrogate, whereas he is neither Arch-Bishop of Canterbury, nor so much as Dean of the Arches; and therefore he being (at best) but a Surrogate or Deputy, he cannot have nor constitute a Surrogate or Deputy under him.

III. I

III. I protest against your Proceedings, because I am cited out of the Dioceſs where I dwell, contrary to the 23. H. 8. 9.

IV. I protest against your Proceedings, because there is no certain day nor time mentioned in your Citation, to limit and direct my appearance at a time certain.

V. I protest against your Proceedings, because there is no certain and particular *penal Crime* (mentioned in particular in the Citation) to which and for which I am bound to make answer: For it is a *duty*, not a *crime*, for a Presbyter (as I am) to joyn People together in holy Matrimony; nor any Profanation, though the Register get not unmerciful and unjust Fees for a formal License; nor any penalty for marrying People without Bannes or License; nor any thing more customary or more universally practised among the Ministers in the Country, where I live, than to marry without Bannes or License: Nor do I acknowledge that the *sixty second Canon* (pretended to be confirmed by King James) is a Law of England, nor any other *Canons* or things that are not enacted and confirmed by King and Parliament; the naked truth whereof none dare deny, without incurring a *Præmunire*; the King and Parliament together, having in England the only *Legislative power*. Besides, the *Canons* clash one against another; for those made in Queen Elizabeth's time order, That such as marry without Bannes or License, shall be suspended *ab officio*, for *six months only*: But the sixty second of King James's *Canons* decrees Suspension for three years; whereby it seems, the Synod-men, the longer they lasted, the more they grew and improved (not in goodness and mercy) but in rigour and severity. God bless us, and all Englishmen from such Legislators; and the bottom of the Plot, and design of that Canon and Prosecution upon the same, seems to be calculated to get money for Licenses, for the benefit of Registers, Commissaries, Officials, and such like motly-Crew and Lay-Elders, those Ecclesiastical Fellows, whilst the Ministers and Clergy do the drudgery, and truckle under them, and truckle for them: And is it not a Soul-saving and wholesom Canon, that stops a Ministers mouth, and silences him from Preaching the Gospel for three years together, because a couple are honestly married for Five Shillings, without giving the Commissaries, Officials, and Registers (those *Poſcinumia & Crumine mulgæ*) eleven shillings and four pence more for a License?

VI. I protest against your Proceedings, *Argumento ad Hominem*, because according to your own (not my) Canons, no Sentence ought to pass upon a Presbyter, but by a Bishop; and here is no Bishop to hear the Proceedings, and therefore if afterwards any Bishop do pass Sentence, *Re in auditâ in propriâ personâ*, He must do it by a blind implicit faith, in the reports of other men, which (I suppose) no Bishop will be so rash as to venture upon.

Edmund Hickerlingill.

Mr.

Mr. *Hickeringill* told Sir *Robert*, the penalty and danger incur'd by the said Statute of 23 *Hen.* 8, 9. for thus vexatiously citing him out of the Diocese; and threatned Sir *Robert*, that he would sue him, and prosecute him according to that Statute.

But Sir *Robert* replied, That he would stop proceedings. Mr. *Hickeringill* (not content with that) replied, *Who shall pay me for the vexatious Citation, and unwarrantable trouble and charge you have put me to?*

But Sir *Robert* said nothing to that, nor to the *Protestation*; it might as well have been *Greek*; for it *non-plust* all reply.

Nor are all the Sir *Roberts* (or) *Wisemen* in *England* able to answer that *Protestation*; for who can patch up an old rotten foundation that (at first and at best) was but a Popish invention, not warranted in the Holy Scripture, for a Bishop to vex and domineer, and pill and poll, and plague his Brethren, Clergy and Laity, biting and devouring (what even birds of prey will not do) their own Kind, in spite of the Law of Christ, *Luk.* 22. 25, 26.) by illegal Fees, Extortions, Exactions, Citations, Excommunications, Absolutions, Dispensations, Commutations, Procurations, Visitations, Sequestrations, &c.

Which last is an art so dark and unintelligible, and as little known, as seldom or never insisted upon, of all other the mysteries of Iniquity: which makes me subjoin this following Essay.

But some will say, if *Bishops Courts* be dissolved (as seems to be undeniably prov'd in the *Naked-Truth*, and in a Book (so stiled) lately published; then what are Bishops good for? And what shall they do? To which I answer, Let them sit in Parliament, and other Councils, when his Majesty shall think fit to call them; let them say their Prayers, Preach, give Alms, Baptize and Catechise, and do the work of their Ministry; and if that be not work enough for one man, (which was a great deal more than the Apostles ever did, who never were Parliament-men nor Privy-Councillors) then let them perswade the King and Parliament (if they can) to set up their *High-Commission Court* again, and give them power (as formerly) to be *mischievous*.

Bless us, (good God!) what would Ambition and Covetousness, Rage and folly be at, if it could speak?

Is not stately Lordships and Mannors, City and Country-houses, vast Revenues, and great and manifold Preferments, enough to satisfy men, but they must rob the Spittle, and be uneasy, except they have power to be mischievous? Well, *God forgive them*, and give them repentance, (that's the worst I wish them) and send them *more money*, and (when they have got *more wit* and *more grace*, then also, and not 'till then) *more Power*.

An Essay concerning Sequestrations, by Edm. Hickeringill.

IF ever any *Rags of Popery* remain in a Protestant Constitution and Government, (some think) that *old Popish Invention* called *Sequestration*, will still stand up and plead for its self.

Sequestration is a term of Art well known in the late Times, namely, when Lands in controversie or dispute, or in Abeyance, or *in nubibus*, are put into the hands of an indifferent person or persons to retain the rents and profits, or take them into custody, till the controversie be decided, and till there be a lawful Incumbent (by Institution and Induction); or, if a Donative, until the Patron do bestow the same upon a Clergy-man.

Sequestration is a *Roman* word, and honest enough, if it had not been so often abus'd; and where Arbitrary Government (as in the late times) comes in fashion, it is of use, of wicked use.

For *Silent leges inter arma*, we must not talk of Laws, of the ancient and fundamental Laws of *England*, when either War, Force, Popery (or its Twin) Arbitrary Government, comes into play, and is on the winning-hand.

The Pope had a *Trick of old*, when any Bishoprick or good Living became *vacant*, it should go hard but he would have a *snip out of it*, before he put in a new Incumbent; and this taking the Benefits into his own hand, he called *Sequestration*, (that is) keeping the profits in an indifferent hand, to be ready for the next lawful Incumbent, having some respect in the *interim*, in making some provision for the Cure, answerable to the profits of the vacant Benefice.

The Kings of *England*, and the Pope, have (of old) had many a *shrowd and weary Tugg* for the Profits in the Vacancies of Bishopricks, &c. But King Hen. 8. and his own Daughter Q^u. Eliz. (that set the Pope at Defiance) made bold to keep the Profits of the *vacant* Bishopricks in their own hands; (*right and good reason*), for by 35 Edw. 1. 1. the Kings of *England* are declared the sole & only founders of Bishopricks, and Archbishopricks, &c. as other great men of the Realm, and Lords of Mannors, &c. endowed the Parish-Churches; and therefore the custody of the Profits of the *Benefice* (in the Vacation) belongs to the *Patrons*, and of the *vacant* Bishopricks to the *King* (and not to the Bishops) by 25 Edw. 3. Anno Dom. 1350, and by the Statute of *Carlisle* 35 Edw. 1. 1.

How comes the Pope then, and Bishops, to be so busie in sending out *Sequestrations* in every Vacancy? why, some men love to be doing, if it be but at small games (*they'l play*) rather than stick out; and send out *Sequestrations*, if but for the fee-sake; *come, come*, something has some favour. For some men dare in defiance of the said Statute, take upon them to *Sequester* the Profits of vacant Benefices, which the said Statutes do aver to belong to the *Patrons*, in these very words 25 Edw. 3. Kings, Earls, Barons, and other Nobles, as Lords and Advowees, have had and ought to have the custody of such voidances. Besides, men that love to be dabling, and have an Oar in every Boat, they think there is some sport in casting the Net, though it does not always bring store of Fish in't.

But a main reason certainly is, That they cannot endure to hear that Ecclesiastical Profits should come into (though they came out of) *Lay-fingers*. And therefore a heavy-do they kept (the Bishops) with Q. Eliz. for keeping the

the Bishoprick of *Ely* so long vacant, and sequestering all the stately Mannors, Rents, Revenues (one of the best in *England* at that time) and putting the moneys thereof, (as at this day) into (a place that often needs the same) the *Exchequer*.

Putting off the fretting-Bishops with a Complement, namely that she kept the said stately and rich Bishoprick vacant so long (as only) till she could find a man *fit* for it. And the man that *fitted her pretensions* (that is) would be content to part with the said rich Lordships, Rents and Revenues, and *in lieu thereof* take a Pension, was the man for her purpose, resigning all to the Crown, (from whence they came, and that chang'd the rich Abbey of *Ely* into a *Bishops-See*, in the reign of *Hen. 1.*) and in exchange, contented with a yearly Pension out of the said *Exchequer* in ready money when he gets it.

Thus *Hen. 1.* kept the Archbishoprick of *Canterbury* by Sequestration, from the death of *Anselm* (five years) till *Rodolph* (a man for his turn) succeeded; that *Rodolph* that would not consecrate *Thurstan* Archbishop of *Tork*, except he would swear obedience to him in the *See of Canterbury*: *Thurstan* scorn'd the motion, and the Pope took part with *Thurstan*, and bid him *not yield an inch*; but *Rodolph* endeavour'd to be above him, and the King took part with *Rodolph*, but to *no purpose*; for the King was glad (at length) to connive and *submit*.

Nay, that Plea for the Clergy in Popish times, and foppish times, they shall *justle* for the place, and *bustle* for profit (where there's any to be got) as well as the best carnal Lay-man of them all.

And the *true reason* (in Law) why the King, Nobles, Patrons, &c. ought to have this Priviledg (which the Pope and Bishops have long usurpt), is (saith my Lord Cook) because the King is *sole founder* of Bishopricks, and Patron of Benefices; and at this day, all Donatives (which the King creates) shall (for this reason) be visited by the Chancellor (not the Bishop nor Arch-deacon.) And if the King license a subject to erect and found a Church or Chappel, it is to be visited by the *founder only*, not by the Bishops; And by parity of reason, the Churches and Chappels of dissolved Monasteries are to be visited by the owners only, that bought and paid for them. And for like reason Kings of *England* (before the Pope's Usurpation) (as sole owners and founders of Bishopricks) did deliver to the Bishop-Elect the *Crozier* or Pastoral staff, and the Ring, whereby there was a *wedding* made betwixt him and his Church-Cathedral, or Mother-Church. And *K. Hen. 1.* (being requested by the Bishop of *Rome* to make the Bishopricks Elective) refused; but King *John* was glad to part with this choice flower of the Crown to preserve the Crown its self; of which otherwise that Bishop had made bold to deprive him. Instit. 1 Part, P. 344.

'Tis true, at this day the Bishops are (in effect) the *Kings creatures*, I mean of *his creation* only, and the Election (by the Chapter, &c.) is but *meer form*; but still the Chapter (at this day) does not part with this *shadow*; as neither with their *grants of Sequestrations*, Licenses to Preach, Ecclesiastical Court-keeping, demand of Synodals, Procurations, exacting Fees and Oaths from Churchwardens, (unconscionable Oaths like the &c. Oaths, and impossible to be kept) *all, all shadows* that still they dote on, how illegal soever, and *ridiculous* to all *unbiaſt* and *knowing* men. Bak. Chron.

One would think the Pope might be satisfied with *St. Peter's Patrimony* (as big and rich as all *England*) in *Italy*, at least with those many happy obventions for Indulgences, Jubilees, Miracles, Canonizations, Annates,

Installations, Pensions, Consecrations, &c. and not (as he does) claim and get the *first-fruits* also, and *Tithes* of every Benefice in Popedom.

And one would think that the *magnificent and extravagant* charity and benevolence of those that founded and endowed the Bishopricks in *England* with such large Immunities, Profits, Honours, Priviledges, Mannors, Palaces, Country and City-houses, &c. might content the greediest Bishop in Christendom, without *snipping* some part of the *fleece* of every flock.

Surely they do esteem themselves of another make, another temper, other mettall, and of another mould than other Priests; or, at least, that the Bishop is *the man*, and the Rectors and Vicars, but *his Journey-men*, or Curates; (for so it seems to be intimated by that passage, *Send down upon our Bishops and Curates*); and as if the Rectors and Curates in *England* had not as *undoubted* a right and *Freehold* in their Benefices, as a Bishop in his Bishoprick; which (as they certainly have) so they cannot be deprived or lose the same, but by *twelve men of their Peers*, according to those Statutes (that one would wonder at the impudence of such as dare invade them), namely, 9 Hen. 3. 29.—25. 25 Edw. 3. 4.—28 Edw. 3. 3.—36 Edw. 3. 15. 17 Car. 1. 10. And they will certainly come within the danger of those Statutes whenever they are so venturous as to trust to their Sequestrations as a Title in Law, or think it sufficient whereupon to ground an Ejectment, or dispossess any man of his Possessions; whether his Title to that Possession be good or bad, it is not of spiritual cognizance; for a Benefice, whether void or not void, shall be tried by the Common-Law. And God keep us all and our Freeholds from *Arbitrary-sway*, and out of the hands (shall I say?) clutches and paws of greedy dogs that can never have enough, I mean unreasonable and wicked men, “who show their abilities in nothing more than being able to crush; the more’s the pity, (I say again) that they should have more power than wit or grace.

Cook. Instit.
part 1. 344. 2.

“Thus in the days of Popery, if there hapned to be in any part of the Land, a supereminent piece of good land, fat Meadows, pleasant and stately timber’d woods, a serene air, a rich soil, and a convenient situation and habitation, then the Church-mens fingers itch to be at it, and then—*Hey*—for St. Clare, St. Katharine, or St. Bennet. The good land was soon converted to Popery and Superstition, and became—the Holy land, and Church-land, belonging to an Abbey, Priory or Nunnery of the Benedictines, Franciscans, Dominicans, Carthusians, &c.

“And though this Spiritual *Jingo Janitus* is clear enough discovered in England, yet still the same itch sticks to some mens fingers; and they are still in defiance of Statutes, (mens Proprieties, Advowsons, and Lay-fees), scratching and clawing, fingering, and playing their tricks and their pranks with the Leiger-demain of a Sequestration; playing their Canons and Proclamations (as of old most Arbitrarily), against the Sacred and fundamental Statutes of the Realm; and is it not high time then that they should be lookt after, what were the men that occasion’d (by evil counsel) the Veterane mischiefs?

And if at this time of day they be so daring and bold, when their Jurisdiction is so crippled, what would they do, nay, what would they not do, if they again retrieve (as some men hope) their High-Commission Court? without which, what (ever did, or ever) can their inferiour Courts signify, more than a May-game, or to be laught at? “But, if the Inquisition be set up again, then have at the Naked Truth with fire and faggot, Bell, Book and Candle, and with a vengeance: But, *Dat Deus immiti cornua curta.*—

